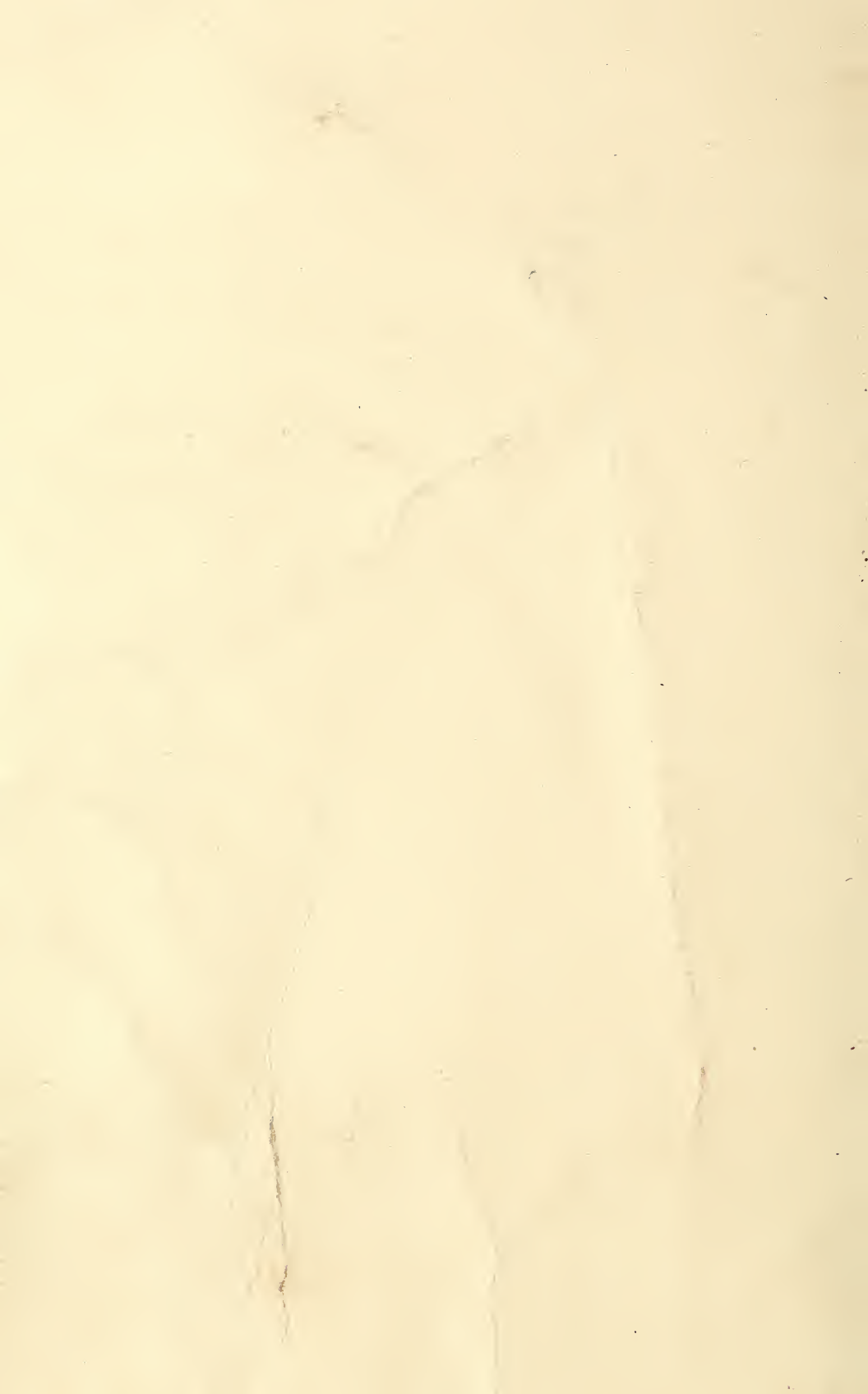


Historic, Archive Document

Do not assume content reflects current scientific knowledge, policies, or practices.



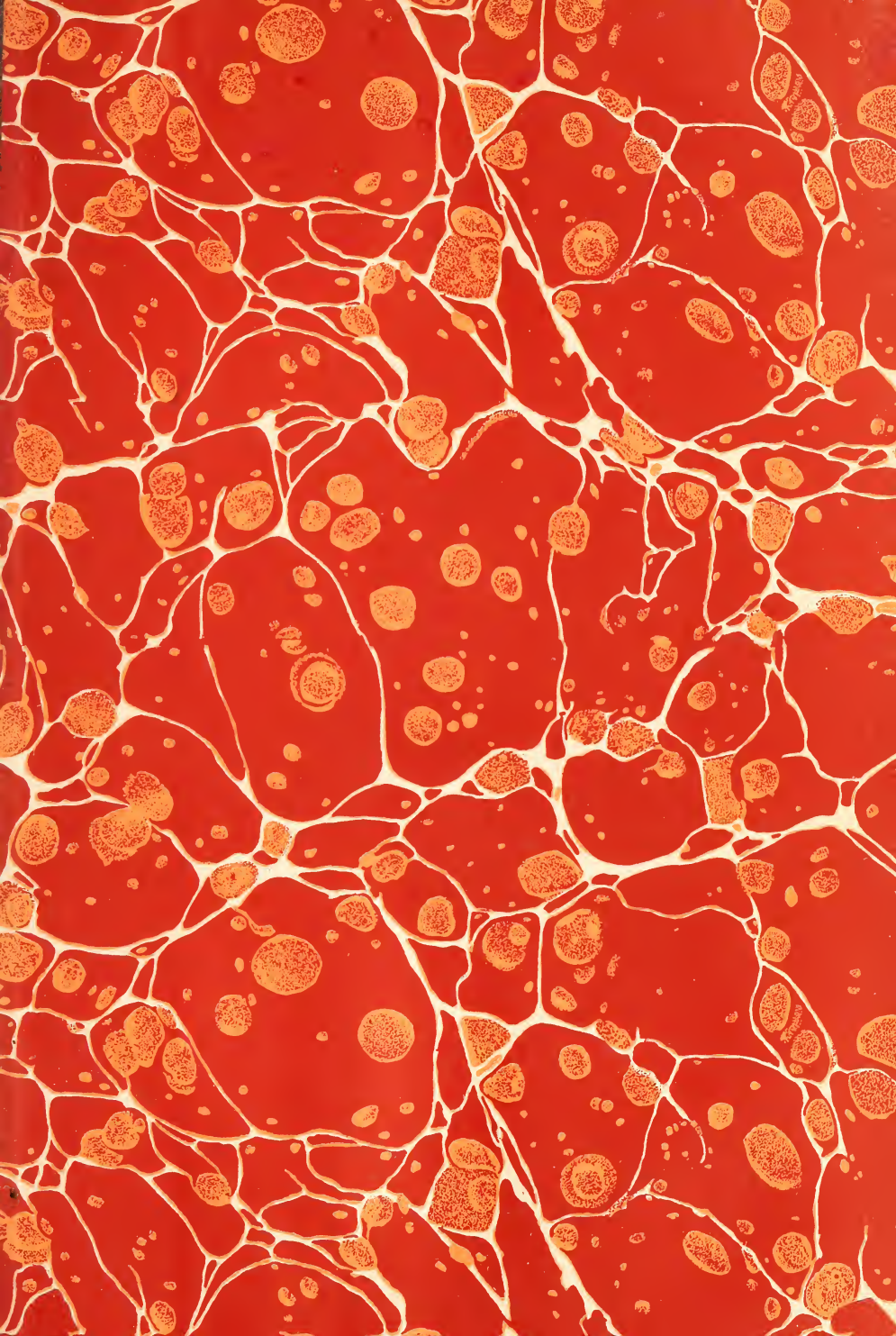
UNITED STATES
DEPARTMENT OF AGRICULTURE
LIBRARY

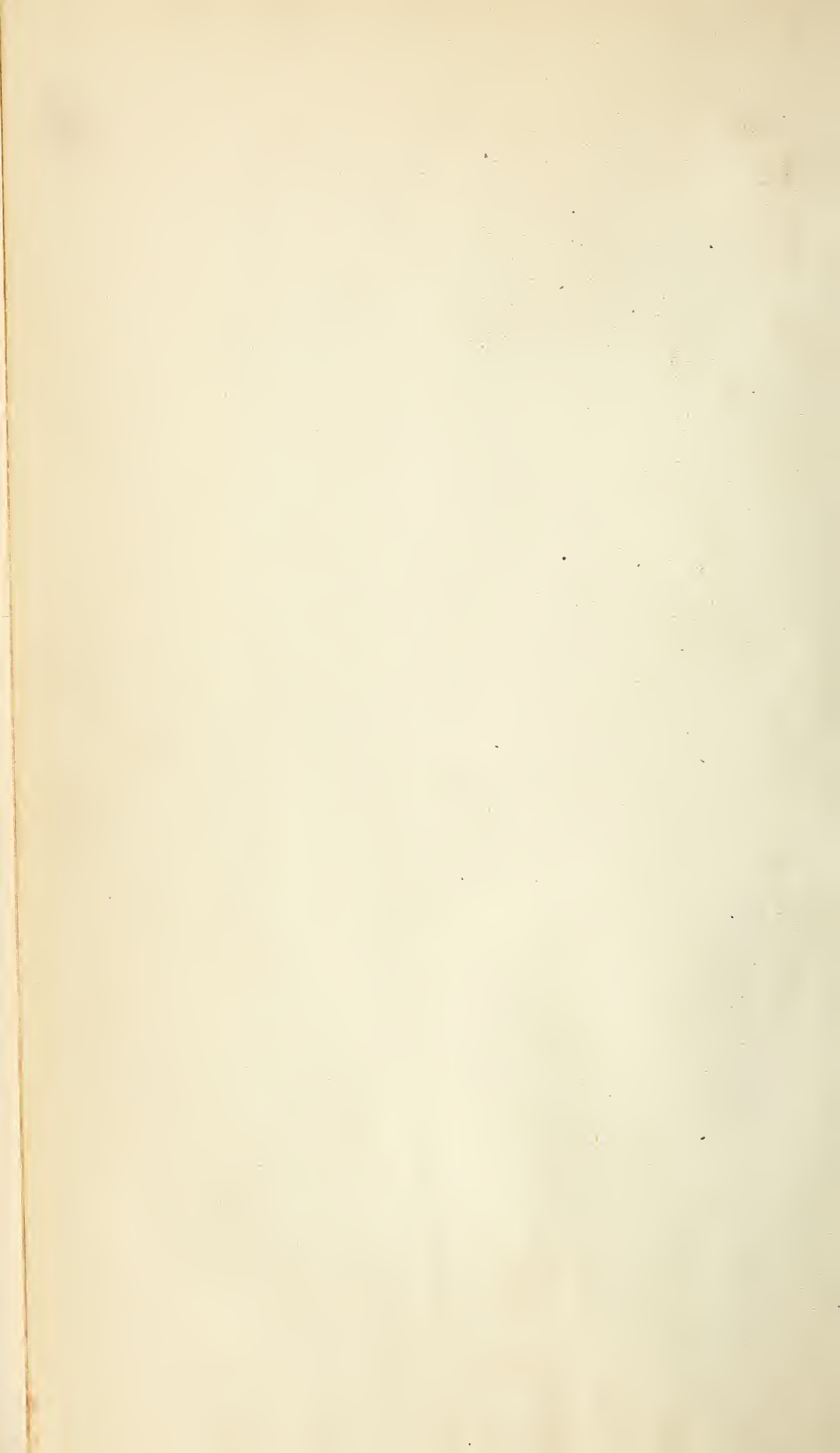


BOOK NUMBER

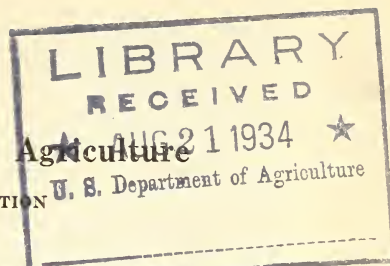
1
F73N
21001-23000
1934-1935

279231





21001-21175



United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

U. S. Department of Agriculture

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

21001-21175

[Approved by the Acting Secretary of Agriculture, Washington, D.C., July 12, 1934]

21001. Misbranding of strawberry extract. U. S. v. Hollywood Products Co., Ltd. (Sierra Club Beverage Co., Inc.). Plea of guilty. Fine, \$75. (F. & D. no. 29460. I. S. no. 21391.)

This case was based on an interstate shipment of strawberry extract which was artificially colored and consisted in part of added artificial flavor.

On March 16, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Hollywood Products Co., Ltd., a corporation, trading as Sierra Club Beverage Co., Inc., at Glendale, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 21, 1931, from the State of California into the State of Arizona, of a quantity of strawberry extract which was misbranded. The article was labeled in part: "Sierra Club * * * Quality * * * True Strawberry Extract * * * Manufactured and Guaranteed by Sierra Club Beverage Co., Glendale, California."

It was alleged in the information that the article was misbranded in that the statement, "True Strawberry Extract" on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article consisted solely of true strawberry extract; whereas it consisted in part of undeclared artificial flavor and color. Misbranding was alleged for the further reason that the article was an imitation and was offered for sale under the distinctive name of another article.

On April 3, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75.

M. L. WILSON, *Acting Secretary of Agriculture.*

21002. Adulteration of evaporated apple chops. U. S. v. 478 Bags of Apple Chops. Default decree of condemnation and destruction. (F. & D. no. 29769. Sample no. 32750-A.)

This action involved an interstate shipment of evaporated apple chops that were insect-infested and dirty and contained rodent excreta.

On January 21, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 478 bags of apple chops at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about December 17, 1932, by the Battletown Fruit Co., from Staunton, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On April 10, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

153765

21003. Adulteration of dried grapes. U. S. v. 476 Boxes of Dried Grapes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29788. Sample nos. 27845-A, 33050-A.)

This case involved an interstate shipment of dried grapes which were found to be insect-infested.

On February 2, 1933, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 476 boxes of dried grapes at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about December 20, 1932, by the Lion Packing Co., from Fresno, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Foley's Shamrock Fancy Dried Black Alicante Bouchet Grapes."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On April 15, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21004. Adulteration of dressed poultry. U. S. v. Joseph Anderson, Jesse W. Hoopes, Fred Bradley, John A. Johnston, Clyde C. Edmonds, and Harry L. Strong (Utah Poultry Producers Cooperative Assoc.). Plea of guilty. Fine, \$25. (F. & D. no. 29417. Sample no. 77-A.)

This case was based on an interstate shipment of dressed poultry. Examination showed diseased conditions and decomposition in a large proportion of the fowls.

On April 1, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Joseph Anderson, Jesse W. Hoopes, Fred Bradley, John A. Johnston, Clyde C. Edmonds, and Harry L. Strong, trading as the Utah Poultry Producers Cooperative Association, Salt Lake City, Utah, alleging shipment by said defendants, on or about April 16, 1932, from the State of Utah into the State of California, of a quantity of dressed poultry which was adulterated in violation of the Food and Drugs Act.

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy, decomposed, and putrid animal substance, and in that it was a product of a diseased animal.

On April 4, 1933, a plea of guilty to the information was entered, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21005. Adulteration and misbranding of butter. U. S. v. Elephant Butte Dairy League. Plea of guilty. Fine, \$50. (F. & D. no. 29338. I. S. nos. 32202, 32203, 32204, 32206, 32224.)

This case was based on several interstate shipments of butter which contained less than 80 percent by weight of milk fat, the standard for butter established by Congress, and which was also short weight.

On January 5, 1933, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Elephant Butte Dairy League, a corporation, El Paso, Tex., alleging shipment by said company in violation of the Food and Drugs Act as amended, in various consignments, on or about January 21, January 23, January 26, and February 3, 1932, from the State of Texas into the State of New Mexico, of quantities of butter which was adulterated and misbranded. The article was labeled in part: (Carton) "Butter Net Weight 1 Lb. * * * Elephant Butte Dairy League, El Paso, Tex."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding was alleged for the reason that the statements, "Butter" and "Net Weight 1 Lb.", borne on the cartons, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statements represented that the article was butter, a product which must contain not less than 80 percent by weight of milk fat, and that the cartons each contained 1 pound net; whereas the article was not butter as defined by law, since it contained less than 80 percent of milk fat, and the cartons contained less than 1 pound net. Misbranding was

alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement, "Net Weight 1 Lb.", was incorrect.

On April 22, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

21006. Adulteration of butter. U. S. v. 28 Tubs and 15 Tubs of Butter. Consent decrees of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. nos. 30398, 30399. Sample nos. 32009-A, 32010-A.)

These cases involved shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On April 18, 1933, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 43 tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce, on or about April 3, 1933, by the Gray County Creamery, from Pampa, Tex., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On April 20 and 21, 1933, the Gray County Creamery, Pampa, Tex., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$600, conditioned in part that it be reworked so that it contain at least 80 percent of butterfat.

M. L. WILSON, *Acting Secretary of Agriculture.*

21007. Adulteration of apples. U. S. v. 159 Cases and 54 Cases of Apples. Default decrees of condemnation and destruction. (F. & D. nos. 29836, 29837. Sample nos. 31235-A, 31236-A.)

These cases involved interstate shipments of apples found to bear arsenate of lead in an amount which might have rendered them injurious to health.

On January 3 and January 9, 1933, the United States attorney for the District of Montana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 213 cases of apples at Billings, Mont., alleging that the article had been shipped in interstate commerce, on or about December 7 and December 23, 1932, by McMillan & Fox, Inc., from Yakima, Wash., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Winesap * * * Penco Brand Packers—Shippers Pennington & Co., Yakima, Wash." The remainder were labeled in part: "Ark. Black * * * Packed and Shipped by McMillan & Fox, Inc., Yakima, Wash."

It was alleged in the libels that the article was adulterated in that it contained an added poisonous ingredient, arsenate of lead, which might have rendered it injurious to health.

On April 12, 1933, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21008. Adulteration of canned shrimp. U. S. v. 752 Cases and 285 Cases of Canned Shrimp. Consent decree of condemnation, forfeiture, and destruction. (F. & D. nos. 29609, 29614. Sample nos. 16363-A, 16439-A.)

These cases involved interstate shipments of canned shrimp found to be in part decomposed.

On December 9, 1932, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,037 cases of canned shrimp at Boston, Mass., alleging that the article had been shipped in interstate commerce, in part on or about September 17, 1932, and in part on or about September 24, 1932, by the Indian Ridge Canning Co., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The

article was labeled in part: (Can) "Rose Bud Brand Shrimp Indian Ridge Canning Co., Inc. Canner—A Houma, Louisiana."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed animal substance.

On April 24, 1933, the two libels having been consolidated, and the Indian Ridge Canning Co., Houma, La., having appeared and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21009. Adulteration of vinegar. U. S. v. 54 Barrels of Vinegar, et al. Default decrees of condemnation and destruction. (F. & D. nos. 28953, 29651. Sample nos. 8945-A, 21762-A, 27367-A.)

These actions involved interstate shipments of vinegar found to contain arsenic in an amount which might have rendered it injurious to health.

On September 26 and December 16, 1932, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 54 barrels, 42 half-barrels, and 93 partly full half-barrels of vinegar, at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce, between July 13, 1932 and September 8, 1932, by H. D. Hollwedel, in part from Middleport, N. Y., and in part from Mayville, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pure Apple Cider Vinegar W. E. Mathes Vinegar Co., Albion, N. Y."

It was alleged in the libels that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it harmful to health.

On April 10, 1933, no claim having been entered for the property, judgments of condemnation were entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21010. Adulteration of apples. U. S. v. 16 Bushels, et al., of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29728. Sample nos. 28344-A, 28345-A, 28346-A.)

This case involved a quantity of apples found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On November 10, 1932, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid a libel praying seizure and condemnation of 114 bushels of apples at Hammond, Ind., alleging that the article had been shipped in interstate commerce, on or about November 6, 1932, by the Hammond Fruit Co., from Glenn, Mich., to Hammond, Ind., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On March 6, 1933, no claimant having appeared for the property, and the apples being then in a decaying condition, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21011. Adulteration of butter. U. S. v. 7 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30401. Sample no. 36961-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On April 6, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 7 cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about March 29, 1933, by the Sentinel Creamery, from Missoula, Mont., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On April 10, 1933, the Sentinel-Missoula Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$167, conditioned that it be made to comply with the law under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21012. Adulteration and misbranding of flour. U. S. v. 420 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29930. Sample no. 31387-A.)

This case involved an interstate shipment of flour found to consist of bleached flour containing benzoyl peroxide or its residue, benzoic acid.

On March 13, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 420 sacks of flour at Newark, N. J., alleging that the article had been shipped in interstate commerce, on or about February 4, 1933, by the Beatrice Mills, Whitewright, Tex., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "First Premium Flour Beatrice Mills Whitewright, Texas."

It was alleged in the libel that the article was adulterated in that bleached flour containing benzoyl peroxide or its residue, benzoic acid, had been substituted in whole or in part for the article.

Misbranding was alleged for the reason that the statement "Flour", appearing on the label, was false and misleading and deceived and misled the purchaser, when applied to a flour bleached with and containing benzoyl peroxide or its residue, benzoic acid.

On March 20, 1933, the Beatrice Mills, Whitewright, Tex., claimant having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it be relabeled, "Bleached with Benzoyl Peroxide."

M. L. WILSON, *Acting Secretary of Agriculture.*

21013. Adulteration of apple butter. U. S. v. 30½ Cases of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29935. Sample nos. 27140-A, 27141-A, 26947-A.)

This case involved interstate shipments of apple butter which was found to contain insects.

On March 14, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30½ cases of apple butter at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce, in part on or about January 27, 1933, and in part on or about February 20, 1933, by the Goodwin Preserving Co., from Louisville, Ky., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Tip Toe Brand * * * Apple Butter." The remainder was labeled in part: "Dot's Good * * * Pure Apple Butter."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On April 25, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21014. Misbranding of vermicelli. U. S. v. San Diego Macaroni Manufacturing Co. Plea of nolo contendere. Judgment of guilty. Fine, \$200; suspended for two years. (F. & D. no. 29885. I. S. no. 21403.)

This action was based on an interstate shipment of vermicelli, in which the packages were found to contain less than 8 ounces, the weight declared on the label. The statement of weight was small and inconspicuous.

On January 18, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the San Diego Macaroni Manufacturing Co., a corporation, San Diego, Calif., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about July 15, 1931, from the State of California into the State of Arizona, of a quantity of vermicelli that was misbranded. The article was labeled in part: "De Rocco's Chef Brand Vermicelli * * * Net Weight 8 oz. or over. San Diego Macaroni Mfg. Co. San Diego, Calif."

It was alleged in the information that the article was misbranded in that the statement "Net Weight 8 oz. or over", borne on the packages, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the packages contained less than 8 ounces. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect, and it was in such small type as not to be plain and conspicuous.

On January 30, 1933, a plea of nolo contendere to the information was entered on behalf of the defendant company. On March 17, 1933, judgment of guilty was entered and the court imposed a fine of \$200. Payment of the fine was ordered suspended for a period of 2 years.

M. L. WILSON, *Acting Secretary of Agriculture.*

21015. Adulteration of butter. U. S. v. The Merchants Creamery Co., Inc. Plea of guilty. Fine, \$10. (F. & D. no. 29335. I. S. nos. 36429, 36430.)

This case was based on interstate shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On December 16, 1932, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Merchants Creamery Co., Inc., trading at Springfield, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 13 and August 8, 1931, from the State of Missouri into the State of Ohio, of quantities of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent of milk fat, which the article purported to be.

On April 3, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

21016. Adulteration and misbranding of canned shrimp. U. S. v. 459 Cases of Canned Shrimp. Adulterated portion condemned and destroyed. Misbranded portion released under bond to be re-labeled. (F. & D. no. 29760. Sample no. 27076-A.)

This case involved an interstate shipment of canned shrimp, a part of which was coded and the remainder of which was uncoded. The product contained in the coded cans was found to be in part decomposed. The cans in the uncoded portion were found to contain less than the declared weight; they also contained excessive liquid and were not labeled to indicate that they were slack filled.

On January 18, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 459 cases of canned shrimp at Cincinnati, Ohio, consigned by the Biloxi Canning & Packing Co., Inc., Biloxi, Miss., November 2, 1932, alleging that the article had been shipped in interstate commerce from the State of Mississippi into the State of Ohio, and charging adulteration of a portion and misbranding of the remainder, in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Sea Beach Brand Shrimp Packed by Biloxi Canning & Packing Co., Inc., Biloxi, Miss. Contents Wet Pack 5¾ Ozs."

The libel charged that the coded portion of the article was adulterated in that it consisted in part of a decomposed animal substance.

Misbranding was alleged with respect to the uncoded portion for the reason that the statement "Contents * * * 5¾ Oz.", was false and misleading

and deceived and misled the purchaser; for the further reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect; and for the further reason that because it contained an excessive amount of packing medium, it fell below the standard of fill of container promulgated by the Secretary of Agriculture for such canned food, and its package or label failed to bear a plain and conspicuous statement prescribed by this Department indicating that it fell below such standard.

On April 26, 1933, the Biloxi Canning & Packing Co., Inc., Biloxi, Miss., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the uncoded portion, consisting of 157 cases, be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it be relabeled under the supervision of this Department. The decree further ordered that the remainder of the product be condemned and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21017. Adulteration of apples. U. S. v. 85 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29808. Sample no. 28443-A.)

This case involved an interstate shipment of apples found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On January 5, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 85 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on October 3, 1932, by J. R. Paxton, from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On April 4, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21018. Adulteration and misbranding of butter. U. S. v. Perry Bros. Plea of guilty. Fine, \$5 and costs. (F. & D. no. 29433. I. S. no. 23253.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress, and which was also short weight. The label failed to bear a plain and conspicuous statement of the quantity of the contents, as required by law, since the statement made was incorrect.

On April 10, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Perry Bros., a corporation, Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about April 5, 1932, from the State of Washington to Alaska, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Perry's Best Butter Cream Quality One Pound Net Packed by Perry Bros. Seattle."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Butter" and "One Pound Net", borne on the label, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 80 percent by weight of milk fat, the standard for butter prescribed by law, and the packages contained less than 1 pound net. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 27, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21019. Adulteration and misbranding of cherry and grape extracts. U. S. v. Burr N. Hickok and Daniel J. Honan (John N. Hickok & Son). Plea of guilty. Fine, \$100. (F. & D. no. 29514. I. S. nos. 34070, 34071.)

This action was based on interstate shipments of products labeled as pure fruit extract, which were found to consist of slightly concentrated fruit extracts fortified with synthetic flavors.

On April 6, 1933, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Burr N. Hickok and Daniel J. Honan, copartners trading as John N. Hickok & Son, Brooklyn, N. Y., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about March 2 and March 18, 1932, from the State of New York into the State of New Jersey, of quantities of cherry extract and grape extract that were adulterated and misbranded. The articles were labeled in part: "J. N. Hickok & Son * * * Pure Fruit Cherry Extract Concentrated [or "Pure Fruit Grape Extract Genuine"]."

Adulteration of the cherry extract was alleged in the information for the reason that slightly concentrated cherry juice predominately flavored with benzaldehyde had been substituted for "Pure Fruit Cherry Extract Concentrated", which the article purported to be. Adulteration of the grape extract was alleged for the reason that slightly concentrated grape juice, predominately flavored with methyl anthranilate had been substituted for "Pure Fruit Grape Extract Genuine", which the article purported to be; and for the further reason that methyl anthranilate had been substituted for the article. Adulteration of both products was alleged for the further reason that artificial flavoring substances had been mixed with the articles in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Pure Fruit Cherry Extract Concentrated" and "Pure Fruit Grape Extract Genuine", borne on the labels, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since the said statements represented that the articles consisted solely of fruit extracts, whereas they contained added, undeclared synthetic flavors. Misbranding was alleged for the further reason that the articles were imitations of pure fruit cherry extract concentrated and genuine pure fruit grape extract, and were offered for sale under the distinctive names of said products.

On April 25, 1933, a plea of guilty to the information was entered by Daniel J. Honan, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

21020. Adulteration and misbranding of canned frozen mixed eggs. U. S. v. Belle Springs Creamery Co. Plea of guilty. Fine, \$25. (F. & D. no. 29432. I. S. nos. 48128, 48129.)

This case was based on interstate shipments of canned frozen mixed eggs found to be in part decomposed and which were not labeled with a statement of the quantity of the contents.

On March 15, 1933, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Belle Springs Creamery Co., a corporation, Abilene, Kans., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about December 1 and December 9, 1931, from the State of Kansas into the State of Massachusetts, of quantities of canned frozen mixed eggs that were adulterated and misbranded. The article was unlabeled.

It was alleged in the information that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 14, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21021. Adulteration of canned salmon. U. S. v. 884 Cases of Canned Salmon. Portion of product released unconditionally. Remainder condemned and forfeited, and ordered released under bond for separation and destruction of unfit portion. (F. & D. no. 29199. Sample nos. 26783-A to 26787-A, incl.)

This action involved an interstate shipment of canned salmon, samples of which were found to be decomposed.

On November 8, 1932, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 884 cases of canned salmon at Toledo, Ohio, alleging that the article had been shipped in interstate commerce on or about October 8, 1932, by the Oceanic Sales Co., from Seattle, Wash. and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ocean Spray Brand Pink Salmon."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

The Superior Packing Co., Seattle, Wash., appeared as claimant for the property and admitted the allegations of the libel in so far as they related to 550 cases of the product identified by certain codes. On March 6, 1933, judgment was entered condemning and forfeiting the said 550 cases of salmon and ordering that the remainder be delivered to the claimant. The decree provided further that the condemned codes be released to the claimant upon payment of costs and the execution of a bond in the sum of \$3,125, conditioned that the unfit portion be segregated and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21022. Adulteration of canned salmon. U. S. v. 371 Cases and 6,000 Cases of Canned Salmon. Decrees of condemnation and forfeiture. Product released under bond for separation and destruction of decomposed portion. (F. & D. no. 28876. Sample nos. 15235-A, 25972-A.)

These cases involved a shipment of canned salmon which was in part decomposed.

On September 26 and November 28, 1932, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court of the United States libels praying seizure and condemnation of 6,371 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce August 6, 1932, by the Copper River Packing Co., from Nellie-Juan, Alaska, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Happy-Vale Pink Salmon."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On March 20, 1933, the Copper River Packing Co., having appeared as claimant for the property and having admitted the material allegations of the libels, judgments of condemnation and forfeiture were entered, and it ordered by the court that the product be released to the claimant upon payment of costs and the execution of good and sufficient bonds, conditioned that all cans containing decomposed salmon be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21023. Adulteration of figs. U. S. v. 50 Boxes of Black Figs. Consent decree of forfeiture and destruction. (F. & D. no. 30032. Sample no. 22870-A.)

This case involved a quantity of figs which were insect-infested and contained insect excreta and dead larvae.

On March 28, 1933, the United States attorney for the District of Hawaii, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 50 boxes of black figs at Honolulu, Hawaii, consigned by the American Factors, Ltd., alleging that the article had been shipped March 22, 1933, from San Francisco, Calif., to Honolulu, Hawaii, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Beban Brand Black Figs Packed By A. Beban, Madera, Calif."

It was alleged in the libel that the article was adulterated in that it was filthy because of insect infestation.

On April 7, 1933, the claimant, the American Factors, Ltd., a Hawaiian corporation, having consented to the entry of a decree, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21024. Adulteration of dried figs. U. S. v. Henry John Giebelser. Plea of guilty. Fine, \$200. Sentence suspended for two years. (F. & D. no. 29387. I. S. nos. 18952, 22532, 22533.)

This case was based on the interstate shipment of several lots of dried figs which were found to be in part insect-infested, moldy, and dirty.

On January 30, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Henry John Giebelser, trading as Giebelser's Fig Gardens, Merced, Calif., alleging shipment by said defendant in violation of the Foods and Drugs Act, on or about November 20, 1931, from the State of California into the State of Washington, and on or about December 9, 1931, from the State of California into the State of Nevada, of quantities of dried figs which were adulterated. The article was labeled in part: "Packed by Giebelser's Fig Gardens, Merced, Calif."

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy and decomposed vegetable and animal substance.

On April 3, 1933, the defendant withdrew a plea of not guilty and entered a plea of guilty to each of the two counts of the information, and a fine of \$200 was imposed. The court ordered that the sentence be suspended for a period of two years on condition that there be no further violation of the law.

M. L. WILSON, *Acting Secretary of Agriculture.*

21025. Misbranding of canned cherries. U. S. v. 40 Cases of Canned Cherries. Default decree of forfeiture and destruction. (F. & D. no. 29325. Sample no. 2200-A.)

This case involved a shipment of canned cherries in which the sugar solution was of insufficient strength to bring the liquid portion up to the standard prescribed by this Department, and which was not labeled to indicate that it was substandard.

On November 23, 1932, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 40 cases of canned cherries at Idaho Falls, Idaho, alleging that the article had been shipped in interstate commerce, on or about September 3, 1931, by the Zion Wholesale Grocery Co., from Salt Lake City, Utah, charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Kaysville Brand Windsor Cherries Pitted Packed by Kaysville Canning Corporation Kaysville Utah Contents 100 ozs."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the liquid portion read less than 16° Brix, and its label did not bear a plain and conspicuous statement indicating that it fell below such standard.

On March 25, 1933, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21026. Misbranding of canned tomatoes. U. S. v. 300 Cases of Canned Tomatoes. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29795. Sample no. 33420-A.)

This case involved a shipment of canned tomatoes that fell below the standard established by this Department because of poor color and which were not labeled to indicate that they were substandard.

On February 3, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 cases of

canned tomatoes at Shenandoah, Pa., alleging that the article had been shipped in interstate commerce, on or about January 17, 1933, by A. J. Harris, from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Dogwood Brand Tomatoes."

It was alleged in the libel that the article was misbranded in that it fell below the standard of quality and condition promulgated by the Secretary of Agriculture for canned tomatoes, because of poor color, and its package or label did not bear a plain and conspicuous statement prescribed by this Department, indicating that it fell below such standard.

On April 6, 1933, A. J. Harris & Co., Baltimore, Md., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21027. Adulteration of apples. U. S. v. 714 Boxes of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30400. Sample nos. 32553-A, 32554-A, 32555-A.)

This case involved an interstate shipment of apples found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On April 11, 1933, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 714 boxes of apples at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce, on or about March 27, 1933, by the Pacific Fruit & Produce Co., from Kennewick, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Snoboy Brand, Washington Apples, Sold by Snoboy-Pacific Distributors, Walla Walla, Washington."

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On April 21, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21028. Adulteration of apples. U. S. v. 25 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29809. Sample no. 28482-A.)

This case involved an interstate shipment of apples found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On December 20, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on September 30, 1932, by Edwin H. House, from Saugatuck, Mich., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, in amounts which might have rendered it harmful to health.

On April 4, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21029. Misbranding of cottonseed meal and cake. U. S. v. 250 Bags of Cottonseed Meal and 80 Bags of Cottonseed Cake. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29821. Sample no. 35927-A.)

This case involved an interstate shipment of cottonseed meal and cottonseed cake, samples of which were found to contain less than 43 percent of protein, the amount declared on the label.

On or about February 14, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 250 bags of cottonseed meal and 80 bags of cottonseed cake at Denver, Colo., consigned by the Rotan Cotton Oil Mill Co., Rotan, Tex., alleging that the article had been shipped in interstate commerce on or about January 10, 1933, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sweetco Quality 43 percent Protein. Cottonseed Cake or Meal."

It was alleged in the libel that the article was misbranded in that the statement "43 Per Cent. Protein", appearing on the label, was false and misleading and deceived and misled the purchaser.

On April 3, 1933, the Sweetwater Cotton Oil Co., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21030. Adulteration and misbranding of butter. U. S. v. 11 Cartons of Butter. Default decree of forfeiture and destruction. (F. & D. no. 29566. Sample no. 16534-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On November 3, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cartons of butter at Boston, Mass., consigned October 30, 1932, alleging that the article had been shipped in interstate commerce by the Danville Creamery Association, from Danville, Vt., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which the article purported to be.

Misbranding was alleged for the reason that the article was an imitation and was offered for sale under the distinctive name of another article, "Butter."

On November 18, 1932, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21031. Misbranding of butter. U. S. v. James H. Pocock. Plea of guilty. Fine, \$5. (F. & D. no. 29476. I. S. no. 23508.)

This case was based on an interstate shipment of butter, sample packages of which were found to contain less than 1 pound, the declared weight. The packages failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement made was incorrect.

On April 12, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against James H. Pocock, Seattle, Wash., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about April 11, 1932, from the State of Washington to Alaska, of a quantity of butter that was misbranded. The article was labeled in part: "Seattle Brand Creamery Butter. Put up by J. H. Pocock, Seattle. This Package Contains One Pound."

It was alleged in the information that the article was misbranded in that the statement "One Pound", borne on the packages, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the packages contained less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 26, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5.

M. L. WILSON, *Acting Secretary of Agriculture.*

21032. Misbranding and alleged adulteration of butter. U. S. v. 20 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30437. Sample no. 23050-A.)

This case involved a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress. The quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since they contained less than the weight declared.

On March 28, 1933, the United States attorney for the District of Hawaii, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 cases of butter at Honolulu, Hawaii, consigned by the Wing Coffee Co., alleging that the article had been shipped from San Francisco, Calif., to Honolulu, Hawaii, on March 22, 1933, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Net Weight One Pound Buttercup Brand Creamery Butter * * * Distributed by O. Casperson & Sons, San Francisco"; (paper wrapper on individual prints) "Buttercup Brand Creamery Butter Net Weight 4 Ounces."

It was alleged in substance in the libel that the article was adulterated in that the milk fat content did not meet the standard established by law, since the article contained less than 80 percent by weight of milk fat.

Misbranding was alleged for the reason that the packages did not have the quantity of the contents plainly and conspicuously marked on the outside thereof.

On March 28, 1933, O. Casperson & Sons, San Francisco, Calif., and the Wing Coffee Co., a Hawaiian copartnership, having appeared and admitted the misbranding of the product and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered. On the same date, costs of the proceedings having been paid, the court ordered the butter released to O. Casperson & Sons under the terms of a bond requiring that it be reshipped to San Francisco, Calif., and repacked, and that it should not be sold or disposed of in violation of the Federal Food and Drugs Act or the laws of the Territory of Hawaii.

M. L. WILSON, *Acting Secretary of Agriculture.*

21033. Adulteration and misbranding of tomato catsup. U. S. v. 87 Cases and 100 Cases of Tomato Catsup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29584, 29663. Sample nos. 28467-A, 30126-A.)

These cases involved interstate shipments of tomato catsup which contained excessive mold and which was also found to contain added artificial color.

On December 6 and December 23, 1932, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 187 cases of tomato catsup at Chicago, Ill. It was alleged in the libels that the article had been shipped in interstate commerce, in part on or about October 22, 1932, and in part on or about December 7, 1932, by the Summit Packing Co., from Wellesboro, Ind., and that it was adulterated in violation of the Food and Drugs Act. Subsequently the libels were amended to charge that the article was also misbranded.

It was alleged in the libels as amended that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the statement "Tomato Catsup", appearing on the label, was false and misleading and deceived and misled the purchaser, when applied to a product containing artificial color which was not declared on the label.

On April 4, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21034. Adulteration and misbranding of cottonseed meal and cottonseed cake. U. S. v. Standard Cake & Meal Co. Plea of guilty. Fine, \$50. (F. & D. no. 28149. I. S. nos. 45585, 45597, 47484, 47493, 50951.)

This case was based on the interstate shipment of quantities of cottonseed meal and cottonseed cake. Samples taken from each of the shipments were

found to contain less than 43 percent of protein, the amount declared on the label.

On August 24, 1932, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against the Standard Cake & Meal Co., a corporation, Kansas City, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, between the dates of October 20, 1931, and February 27, 1932, from the State of Missouri into the State of Kansas, of quantities of cottonseed meal and cottonseed cake that were adulterated and misbranded. Certain lots were labeled in part: "Standard Quality Cotton Seed Meal or Cake * * * Manufactured by Standard Cake and Meal Co., Kansas City, Mo. Analysis Protein Basis 43 percent." One lot was further labeled: "Interstate Brand 43 percent Protein." The remainder were labeled in part: "Cottonseed Cake and Meal 'Superior Quality' * * * Guaranteed Analysis Protein, not less than 43% * * * Distributed by Superior Cake & Meal Co. * * * Kansas City, Mo."

It was alleged in the information that the articles were adulterated in that a product containing less than 43 percent of protein had been substituted for a product containing 43 percent of protein, which the articles purported to be.

Misbranding was alleged for the reason that the statements, "Guaranteed Analysis Protein, not less than 43%", and "Analysis Protein Basis 43 percent * * * 43% Protein", borne on the tags attached to the sacks containing the articles, were false and misleading and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since they contained less than 43 percent of protein.

On April 27, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

21035. Adulteration of apples. U. S. v. 40 Bushels of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29655. Sample no. 28433-A.)

This case involved an interstate shipment of apples found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On December 1, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on November 29, 1932, by George Heidema from Holland, Mich., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On April 4, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21036. Adulteration of butter. U. S. v. Richard V. Gustafson. Plea of nolo contendere. Fine, \$50 and costs. (F. & D. no. 29443. I. S. no. 42702.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On March 4, 1933, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Richard V. Gustafson, a member of a partnership trading as Gustafson Bros. Dairy Co., Burlington, Iowa, alleging shipment by said defendant in violation of the Food and Drugs Act, on or about July 9, 1931, from the State of Iowa into the State of Illinois, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by law, which the article purported to be.

On April 18, 1933, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21037. Misbranding of cottonseed meal and cake. U. S. v. Southland Cotton Oil Co. Plea of guilty. Fine, \$175. (F. & D. no. 29367. I. S. nos. 23817, 23818, 23820, 45599.)

This case was based on the interstate shipment of four lots of cottonseed meal and cake. In three of the shipments a large number of the sacks were found to contain less than 100 pounds, the declared weight; in the fourth shipment the product was found to contain less protein and more fiber than declared on the label.

On December 7, 1932, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Southland Cotton Oil Co., a corporation, Oklahoma City, Okla., alleging shipment by said company in violation of the Food and Drugs Act as amended, between the dates of October 1, 1931, and November 18, 1931, from the State of Oklahoma into the State of Kansas, of quantities of cottonseed meal and cake that was misbranded. The article was labeled in part (Tag): "100 Lbs. Net Southland's Cottonseed Cake and Meal Prime Quality Guaranteed Analysis Crude Protein, not less than 43% * * * Crude Fibre, not more than 10%, * * * Made * * * by Southland Cotton Oil Company Head Office, Paris, Texas."

It was alleged in the information that portions of the article were misbranded in that the statement "100 Lbs. Net", borne on the tag, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since each of a large number of the sacks contained less than 100 pounds of the article. Misbranding of the said portions was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect. Misbranding was alleged with respect to the remainder of the article for the reason that the statements, "Guaranteed Analysis Crude Protein, not less than 43%, Crude Fibre, not more than 10%", borne on the tag, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the article contained less than 43 percent of crude protein and more than 10 percent of crude fiber.

On January 5, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$175.

M. L. WILSON, *Acting Secretary of Agriculture.*

21038. Adulteration of apples. U. S. v. 756 Boxes of Apples. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30112. Sample no. 28163-A.)

This case involved an interstate shipment of apples bearing arsenic and lead in amounts which might have rendered them injurious to health.

On March 15, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 756 boxes of apples at Denver, Colo., consigned from the Herman Ranch, by Ray Nelson, Utahco, Wash., alleging that the article had been shipped in interstate commerce, on or about February 28, 1933, from Toppenish, Wash., to Denver, Colo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Harvest Moon Brand Yakima Valley Fruit * * * C. F. Schaeffer Company."

It was alleged in the libel that the article was adulterated in it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On March 30, 1933, Louis Friedman, Denver, Colo., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

21039. Misbranding of potatoes. U. S. v. Utah Fruit & Vegetable Growers, Inc. Plea of guilty. Fine, \$25. (F. & D. no. 29509. I. S. no. 32677.)

This action was based on an interstate shipment of potatoes labeled "U. S. No. 1." Examination showed that the potatoes were below the grade specified.

On April 1, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Utah Fruit & Vegetable Growers, Inc., a corporation, Salt Lake City, Utah, alleging shipment by said company in violation of the Food and Drugs Act, on or about April 1, 1932, from the State of Utah into the State of Colorado, of a quantity of potatoes which were misbranded. The article was labeled in part: "Selected U. S. No. 1 Potatoes Utah Fruit & Vegetable Growers, Inc. Salt Lake City, Utah, * * * Utah Selected U. S. No. 1 Big M Brand Potatoes E. O. Muir & Co. Salt Lake City, Utah."

It was alleged in the information that the article was misbranded in that the statements, "Selected U. S. No. 1 Potatoes" and "Utah Selected U. S. No. 1 M Brand Potatoes", borne on the label, were false, and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since it consisted of potatoes inferior to Selected U. S. No. 1 and Utah Selected U. S. No. 1 M Brand.

On April 25, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21040. Adulteration and misbranding of gray shorts with ground wheat screenings. U. S. v. The Larabee Flour Mills Co. Plea of guilty. Fine, \$25. (F. & D. no. 29361. I. S. no. 44629.)

This case was based on an interstate shipment of feed, represented to be wheat gray shorts with ground wheat screenings, which was found to consist of brown wheat shorts. The article contained more fiber than declared on the label.

On March 13, 1933, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Larabee Flour Mills Co., a corporation, Hutchinson, Kans., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 29, 1931, from the State of Kansas into the State of Missouri, of a quantity of feed that was adulterated and misbranded. The article was labeled in part: (Tag) "Manufactured by the Larabee Flour Mills Company, Kansas City, Missouri. Guaranteed Analysis * * * Crude Fibre not more than 6.00% * * * Ingredients—Wheat Gray Shorts with ground wheat screenings not exceeding 8%."

It was alleged in the information that the article was adulterated in that wheat brown shorts without ground wheat screenings had been substituted for wheat gray shorts with ground wheat screenings not exceeding 8 percent, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Wheat Gray Shorts With Ground Wheat Screenings * * * not exceeding 8%, Guaranteed Analysis * * * Crude Fibre, not more than 6.00%", borne on the tags, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it consisted of brown shorts without ground wheat screenings, and contained more than 6 percent of crude fiber, namely 7.84 percent of crude fiber. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 11, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21041. Adulteration of apples. U. S. v. 12 Boxes and 25 Boxes of Apples. Default decree of condemnation and destruction. (F. & D. no. 29671. Sample nos. 18050-A, 31226-A.)

This case involved quantities of apples found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On December 23, 1932, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 boxes of apples at Miles City, Mont., alleging that the article had been shipped in interstate commerce,

on or about November 26, 1932, by the Pacific Fruit & Produce Co., from Yakima, Wash., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "Wash No. 3 Rome Beauty * * * Packed by Pacific Fruit & Produce Co., Yakima, Wash." The remainder was labeled in part: "Rome Beauty Wash No. 3 Grown and packed by Mrs. C. L. Bradley, Selah, Wash."

It was alleged in the libel that the article was adulterated in that it contained added poisonous ingredients, arsenic and lead, which might have rendered it injurious to health.

On April 12, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21042. Misbranding of brown wheat shorts. U. S. v. 90 Sacks of Brown Wheat Shorts. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29704. Sample no. 14083-A.)

This action involved an interstate shipment of brown wheat shorts which contained less protein and less fat than declared on the labeling.

On January 2, 1933, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 90 sacks of brown wheat shorts at Corinth, Miss., alleging that the article had been shipped in interstate commerce, on or about December 1, 1932, by the Model Mill Co., from Jackson, Tenn., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Model Brown Wheat Shorts * * * Manufactured by the Model Mill Company, Jackson, Tennessee. Guaranteed Analysis Crude Protein, not less than 16.00% Crude Fat, not less than 4.00%."

It was alleged in the libel that the article was misbranded in that the statements on the label, "Crude Protein not less than 16.00%, Crude Fat, not less than 4.00%", were false and misleading and deceived and misled the purchaser, since the article contained less protein and less fat than so declared.

On April 12, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21043. Misbranding of canned cherries. U. S. v. 327 Cases of Canned Cherries. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29750. Sample no. 28056-A.)

This action involved an interstate shipment of canned cherries. Tests of the liquid portion showed that the sugar solution was of insufficient strength to bring the article up to the standard established by this Department for canned cherries; the article was not labeled to show that it was water-packed and, therefore, substandard.

On January 26, 1933, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 327 cases of canned cherries at Casper, Wyo., alleging that the article had been shipped in interstate commerce on or about October 18, 1932, by Ray-Maling Co., from Hillsboro, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was misbranded in that it fell below the standard of quality or condition promulgated by the Secretary of Agriculture for such canned food, since it consisted of water-packed cherries, and its label did not bear a plain and conspicuous statement prescribed by the Secretary, indicating that it fell below such standard. Misbranding was alleged for the further reason that the statements appearing on the label, "Raybrook Brand Packed without added sugar Red Sour Pitted Cherries, Net Weight 6 Lbs. 4 Oz., Packed by Ray-Maling Company, Inc., Kitchens, Hillsboro, Oregon", were false and misleading, since the article consisted of water-packed cherries.

On April 25, 1933, Lovell & Lee, Inc., claimant, having admitted the material allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court

that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$752, conditioned that it be relabeled in a manner satisfactory to this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21044. Adulteration and misbranding of butter. U. S. v. 208 Cases of Butter. Decree of condemnation. Product released under bond.
(F. & D. no. 30397. Sample nos. 29629-A, 29630-A.)

This case involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On April 12, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 208 cases of butter at Los Angeles, Calif., consigned by the Beatrice Creamery Co., Denver, Colo., alleging that the article had been shipped in interstate commerce, on or about March 29, 1933, from Denver, Colo., to Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Meadow Gold Butter * * * Beatrice Creamery Company."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent of milk fat had been substituted wholly or in part for butter.

Misbranding was alleged for the reason that the article was labeled butter, which was false and misleading, since it contained less than 80 percent of milk fat.

On April 13, 1933, E. L. Thomson Co., Inc., filed a claim and answer as agent for the Beatrice Creamery Co., admitted the allegations of the libel, and filed a good and sufficient bond, conditioned that the product would not be disposed of in violation of the Federal Food and Drugs Act. On the same date judgment of condemnation was entered and it was ordered by the court that the product be released under the conditions of the said bond. On April 28, 1933, the product having been reworked and found in compliance with the law, the order of release was made permanent and the bond was ordered exonerated upon payment of costs of the proceedings.

M. L. WILSON, *Acting Secretary of Agriculture.*

21045. Adulteration of apples. U. S. v. Wenatchee Federated Growers. Plea of guilty. Fine, \$100. (F. & D. no. 28139. I. S. no. 44544.)

This case was based on an interstate shipment of apples bearing arsenic and lead in amounts which might have rendered them injurious to health.

On February 9, 1933, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against the Wenatchee Federated Growers, a corporation, Wenatchee, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 30, 1931, from the State of Washington into the State of Kansas, of a quantity of apples which were adulterated. The article was labeled in part: "Delicious Wenoka Apples * * * J. T. Cole Wenatchee Wash. * * * Grown and Packed by Wenatchee Federated Growers, Wenatchee, Washington."

It was alleged in the information that the article was adulterated in that it contained added poisonous and deleterious ingredients, lead and arsenic, in amounts which might have rendered it injurious to health.

On April 14, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

21046. Adulteration of shell eggs. U. S. v. Earl Cockrell. Plea of guilty. Fine, \$10. (F. & D. no. 28081. I. S. no. 40516.)

This case was based on an interstate shipment of eggs which were in part decomposed.

On October 13, 1932, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against Earl Cockrell, Tupelo, Miss., alleging shipment by said defendant, in violation of the Food

and Drugs Act, on or about October 15, 1931, from the State of Mississippi into the State of Louisiana, of a quantity of shell eggs which were adulterated.

It was alleged in the information that the article was adulterated in that it consisted in part of a decomposed animal substance.

On April 3, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

21047. Adulteration and misbranding of butter. U. S. v. 15 Cartons of Butter. Decree of condemnation entered. Product released under bond. (F. & D. no. 30104. Sample no. 29838-A.)

This case involved a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On March 13, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 15 cartons of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about March 7, 1933, by the Western Creamery Co., from Salt Lake City, Utah, to Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Meadow Brook Butter."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent of milk fat had been substituted wholly or in part for butter.

Misbranding was alleged for the reason that the article was labeled in part, "Butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On April 11, 1933, the Western Creamery Co. entered an appearance and claim admitting the allegations of the libel, and filed a bond in the sum of \$300, conditioned that the product would not be disposed of in violation of the law. On April 24, 1933, the product having been released to the claimant and having been reworked and found in compliance with the law, a decree was entered condemning the product and ordering that the release be made permanent upon payment of costs of the proceedings.

M. L. WILSON, *Acting Secretary of Agriculture.*

21048. Misbranding of candy. U. S. v. 38 Cartons and 8 Cartons of Candy. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29932. Sample nos. 16598-A, 16599-A.)

This case involved a shipment of candy, sample packages of which were found to contain less than 1 pound, the declared weight.

On March 14, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 46 cartons of candy at Boston, Mass., alleging that the article had been shipped in interstate commerce, on or about January 19, 1933, by the McGregor Toffee Co., from Brooklyn, N. Y., to Boston, Mass., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Packages) "McGregor Toffee Manufactured by McGregor Toffee Co., Brooklyn, N. Y., Net Weight 1 Lb."

It was alleged in the libel that the article was misbranded in that the statement on the labels, "Net Weight 1 Lb.", was false and misleading and deceived and misled the purchaser; and for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated on the label was not correct.

On April 5, 1933, C. S. Allen, trading as the McGregor Toffee Co., Brooklyn, N. Y., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the deposit of cash bond in the sum of \$125 conditioned that the packages and wrappers be removed and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21049. Adulteration of dried pears. U. S. v. 9 Cases of Dried Pears. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29936. Sample no. 21088-A.)

This case involved a shipment of dried pears found to contain arsenic and lead in amounts which might have rendered them injurious to health.

On February 27, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of nine cases of pears at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about November 24, 1932, by Rosenberg Bros. & Co., from San Francisco, Calif., to Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ensign Brand California Fancy Halves Pears."

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On April 18, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21050. Misbranding of candy. U. S. v. 162 Boxes of Confectionery. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29596. Sample no. 23879-A.)

This case involved an interstate shipment of candy which was short weight.

On December 7, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 162 boxes of confectionery at St. Louis, Mo., alleging that the article had been shipped in interstate commerce into the State of Missouri, on or about November 15 and November 18, 1932, by Mars, Inc., Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "The 3 Musketeers. Over ¼ pound * * * A Mars Confection Net Weight 4½ Oz."

It was alleged in the libel that the article was misbranded in that the statements on the label, "Over ¼ pound" and "Net weight 4½ Oz.", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements made were incorrect.

On February 15, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21051. Adulteration and misbranding of butter. U. S. v. Yerington Creamery Co. Plea of guilty. Fine, \$100. (F. & D. no. 30135. Sample nos. 504-A to 507-A, incl., 522-A, 12801-A, 12802-A.)

This action was based on interstate shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On May 19, 1933, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Yerington Creamery Co., a corporation, Mason, Nev., alleging shipment by said company, in various shipments between June 13 and June 29, 1932, in violation of the Food and Drugs Act, from the State of Nevada into the State of California, of quantities of butter which was adulterated, and portions of which were also misbranded. The article was labeled variously: "Yerington Creamery Co., Mason, Nevada"; "Pasteurized Creamery Butter * * * From Yerington Creamery, Mason, Nevada"; "May-rose Pasteurized Extra Creamery Butter * * * Distributed by Western Meat Co. U. S. A."

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding of portions of the article was alleged for the reason that the statement, "Butter", on the packages, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, whereas it was not butter, since it contained less than 80 percent by weight of milk fat.

On June 5, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

21052. Adulteration of dried peaches. U. S. v. 50 Cases of Dried Peaches. Default decree of destruction entered. (F. & D. no. 29999. Sample no. 22815-A.)

This case involved a shipment of dried peaches that were insect-infested.

On April 12, 1933, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of dried peaches at Mobile, Ala., alleging that the article had been shipped in interstate commerce, on March 2, 1933, by the California Prune & Apricot Growers Association, from Reedley, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Yellow Ribbon Brand Yellow Peaches Prepared with Sulphur Dioxide California Peach and Fig Growers Association, Fresno, Calif."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On June 24, 1933, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21053. Misbranding of potatoes. U. S. v. 255 Sacks of Potatoes. Decree ordering product destroyed unless properly relabeled. (F. & D. no. 30507. Sample no. 39002-A.)

This case involved a shipment of potatoes, sample sacks of which contained less than 100 pounds, the declared weight.

On May 24, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 255 sacks of potatoes at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about May 18, 1933, by the Terrebonne Cooperative Association, from Houma, La., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Louisiana Triumphs, 100 lbs. net when packed Houma Brand, Grown and packed by Terrebonne Cooperative Association, Houma, La."

It was alleged in the libel that the article was misbranded in that the statement on the label, "100 lbs. net", was false and misleading and deceived and misled the purchaser, and for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On May 26, 1933, the Terrebonne Cooperative Association, Houma, La., having appeared as claimant for the property and having admitted the allegations of the libel, judgment was entered ordering that the property be destroyed unless the claimant pay costs of the proceedings, and file in court a statement within 10 days, signed by a representative of this Department, showing that the sacks had been relabeled to show the correct weight.

M. L. WILSON, *Acting Secretary of Agriculture.*

21054. Misbranding of potatoes. U. S. v. 266 Sacks of Potatoes. Consent decree of destruction. (F. & D. no. 30540. Sample no. 39005-A.)

This case involved a shipment of potatoes in sacks which were not labeled with a statement of the quantity of the contents, as required by law.

On May 29, 1933, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 266 sacks of potatoes at Memphis, Tenn., alleging that the article had been shipped by the Terrebonne Cooperative Association, from the State of Louisiana into the State of Tennessee, on or about May 18, 1933, and charging misbranding in violation of

the Food and Drugs Act as amended. The article was labeled, "Unclassified."

It was alleged in the libel that the article was misbranded in that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 10, 1933, the owner of the product having consented to the destruction of the potatoes, since they were in a decaying condition, judgment was entered ordering that they be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21055. Misbranding of potatoes. U. S. v. 200 Sacks of Potatoes. Product released under bond to be relabeled. (F. & D. no. 30479. Sample no. 35616-A.)

This case involved a shipment of potatoes, sample sacks of which were found to contain less than 100 pounds, the declared weight.

On May 19, 1933, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 sacks of potatoes at Beatrice, Nebr., alleging that the article had been shipped in interstate commerce, on or about May 12, 1933, by Emil (Erwin) Wiederstein, from Convict Camp Switch, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Texas New Potatoes, 100 lbs. net weight when packed."

It was alleged in the libel that the article was misbranded in that the statement, "100 lbs. net weight", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and was not plainly and conspicuously marked on the outside of the package in terms of weight.

On May 31, 1933, Erwin Wiederstein, having appeared as claimant for the property and having consented to the entry of a decree of condemnation and forfeiture, judgment was entered adjudging the product misbranded and ordering that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$900, conditioned that it be relabeled to show the true weight or resacked to the declared weight.

M. L. WILSON, *Acting Secretary of Agriculture.*

21056. Misbranding of potatoes. U. S. v. 175 Sacks of Potatoes. Default decree of condemnation and destruction. (F. & D. no. 30418. Sample no. 35602-A.)

This action involved a shipment of potatoes, sample sacks of which contained less than 50 pounds, the declared weight.

On May 5, 1933, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 175 sacks of potatoes at Salina, Kans., alleging that the article had been shipped in interstate commerce, on or about April 28, 1933, by Alexander Marketing Co., from San Benito, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "New Triumph Potatoes * * * Net Weight 50 Lbs. when packed."

It was alleged in the libel that the article was misbranded in that the statement, "50 Lbs. when packed", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On June 2, 1933, no claimant having appeared for the property, and the potatoes having spoiled and become unfit for use, judgment of condemnation was entered and it was ordered by the court that they be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21057. Adulteration and misbranding of salad oil. U. S. v. 4 Boxes of Oil, et al. Default decree of destruction. (F. & D. nos. 30043, 30419, 30420. Sample nos. 31976-A, 31992-A, 31993-A, 31994-A.)

These cases involved various lots of oil labeled to convey the impression that it was olive oil of foreign origin. Examination showed that the article consisted principally of cottonseed oil containing a small amount of olive oil. Certain lots also were artificially colored and flavored.

On April 6, and May 8, 1933, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 154 gallons, 174 half gallons, and 96 quarts of salad oil in part at Waterbury, Conn., and in part at Hartford, Conn., alleging that the article had been shipped in interstate commerce between December 22, 1932, and April 5, 1933, by V. Buoncorno, or Vincent Buoncorno, from New York, N.Y., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: (Sides of can) "Superfine Oil Imperio Brand * * * Virgin Olive Oil"; (top of can) "L'Olio D'Iva Contenuto In Questa Latta E'Importato Dall'Italia * * * Olive Oil * * * Imported From Italy." A portion was labeled: "Aoliva Brand Fine Oil * * * Warranted pure under chemical analysis." The remainder was labeled: "Olio Lucca Type il Migliore * * * Guaranteed pure under chemical analysis."

It was alleged in the libels that the article was adulterated in that cottonseed oil had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality. Adulteration was alleged for the further reason that mixtures consisting largely of cottonseed oil containing a small amount of olive oil, portions of which were artificially colored and flavored, had been substituted for olive oil, which the article purported to be.

Misbranding was alleged for the reason that the statements, "The Contents of Olive Oil in this can is imported from Italy * * * Superfine Oil Imperio * * * Virgin Olive Oil", with respect to portions, "Olio Lucca Type il Migliore. * * * Guaranteed pure under chemical analysis", with respect to a portion, and "Aoliva Brand Fine Oil * * * Warranted pure under chemical analysis [Italian national colors and designs of olive branches]", with respect to a portion, were false and misleading and deceived and misled the purchaser, since they were framed and designed to imply that the article was pure imported oil. Misbranding was alleged for the further reason that the article purported to be a foreign product, when not so, and for the further reason that it was offered for sale under the distinctive name of another article. Misbranding of the portions of the product which were artificially colored and flavored was alleged for the further reason that it was an imitation of another article.

On June 29, 1933, no claimant having appeared for the property, judgment were entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21058. Adulteration of canned salmon. U. S. v. 13 Cases and 26 Cases of Canned Salmon. (F. & D. nos. 30004, 30023. Sample nos. 20193-A, 22929-A.)

These cases involved an interstate shipment of canned salmon which was found to be in part decomposed.

On March 28, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 cases of canned salmon at Stockton, Calif. On March 29, 1933, the United States attorney for the Southern District of California filed a libel against 26 cases of canned salmon at Bakersfield, Calif. It was alleged in the libels that the article had been shipped in interstate commerce, on or about September 9, 1932, by Libby, McNeill & Libby, from Seattle, Wash., to San Francisco, Calif., that it had been reshipped to Stockton and Bakersfield, Calif., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Libby's Fancy Red Alaska Salmon."

The libels charged that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

On May 16 and May 18, 1933, no claimant having appeared, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21059. Adulteration of evaporated apple chops. U. S. v. 71 Sacks of Evaporated Apple Chops. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30350. Sample no. 35107-A.)

This case involved an interstate shipment of a quantity of evaporated apple chops that were found to be insect-infested, decayed, and dirty.

On April 24, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 71 sacks of evaporated apple chops at Cincinnati, Ohio, alleging that the article had been transported in interstate commerce on or about May 1, 1931, by DeHoff & Gaylord, from Sodus, N. Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On June 1, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21060. Misbranding of vinegar. U. S. v. 20 Barrels of Vinegar. Default decree of condemnation and destruction. (F. & D. no. 29908. Sample no. 30791-A.)

This case involved a shipment of vinegar designated as "45 Grain", which term is descriptive of vinegar containing 4.5 grams of acetic acid per 100 cubic centimeters. The product was of lower acidity than represented.

On March 9, 1933, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 barrels of vinegar at Helena, Mont., alleging that the article had been shipped in interstate commerce, on or about February 16, 1933, by the Washington Food Products, from Spokane, Wash., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Barrel) "Pure Apple Cider * * * Empire Brand Vinegar. Washington Food Products, Spokane, Wash., 45 Grain."

It was alleged in the libel that the article was misbranded in that the statement on the label representing that it was "45 Grain" vinegar, namely, a product containing $4\frac{1}{2}$ grams of acetic acid per 100 cubic centimeters, was false and misleading and deceived and misled the purchaser, since it contained less than $4\frac{1}{2}$ grams of acetic acid per 100 cubic centimeters.

On May 25, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21061. Adulteration and misbranding of butter. U. S. v. Mount Angel Cooperative Creamery. Plea of guilty. Fine, \$50. (F. & D. no. 29430. Sample nos. 1563-A, 15057-A.)

This action involved interstate shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On June 28, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mount Angel Cooperative Creamery, a corporation, Mount Angel, Ore., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 25, and August 22, 1932, from the State of Oregon into the State of Washington, of quantities of butter which was adulterated and misbranded. The article was labeled in part: "Standard Grade Butter * * * Oregon Creamery Butter."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Butter" on the labels, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, a product which should contain not less than 80 percent by weight of milk fat, as required by law; whereas it was not.

On June 28, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

21062. Adulteration of apples. U. S. v. 163 Boxes of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30082. Sample no. 28091-A.)

This case involved the interstate shipment of a quantity of apples, examination of which showed the presence of arsenic and lead in amounts which might have rendered them injurious to health.

On March 10, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 163 boxes of apples at Colorado Springs, Colo., alleging that the article had been shipped on or about January 6, 1933, from Wenatchee, Wash., having been consigned by H. S. Denison & Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Boxes) "Skookum Dessert Ex. Fancy Mountain Goat Brand Wenatchee Apples * * Skookum Growers Wenatchee Wash."

It was alleged in the libel that the article was adulterated in that the apples contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered them injurious to health.

On May 19, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21063. Adulteration of apples. U. S. v. 80 Bushels of Apples, et al. Default decree of forfeiture and destruction. (F. & D. no. 30454. Sample nos. 5018-A, 5067-A.)

This case involved an interstate shipment of apples found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On or about October 28, 1932, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture filed in the district court a libel praying seizure and condemnation of 80 bushels of apples at Hoopeston, Ill., alleging that the article had been shipped in interstate commerce on or about October 11, 1932, by Wilmer Dee from Glenn, Mich., and charging adulteration in violation of the Food and Drugs Act. On November 18, 1932, the libel was amended to include 42 bushels more of apples which had been shipped in interstate commerce by Dewey Dee from Glenn, Mich., on October 30, 1932.

It was alleged in the libel that the apples were adulterated in that they contained arsenic and lead, which might have rendered them harmful to health.

On January 28, 1933, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21064. Adulteration of canned salmon. U. S. v. 58 Cases of Canned Salmon. Tried to the court. Decree entered ordering a portion of the product released and remainder condemned and destroyed. (F. & D. no. 29985. Sample nos. 28173-A, 28174-A, 28175-A.)

This case involved the interstate shipment of a quantity of canned salmon which was in part decomposed.

On March 29, 1933, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 58 cases of canned salmon at Albuquerque, N. Mex., alleging that the article had been shipped in interstate commerce on or about March 6, 1933, by Libby McNeill & Libby, from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Libby's Fancy Red Alaska Salmon * * * packed by Libby, McNeill & Libby."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

On June 13, 1933, Libby, McNeill & Libby, having filed a claim and answer denying the adulteration of the product, the case came on for trial before the court. After hearing evidence introduced on behalf of the claimant and the Government, the court entered judgment finding a portion of the product adulterated and ordering that it be condemned and destroyed. The decree further ordered that the remainder be released to the claimant.

M. L. WILSON, *Acting Secretary of Agriculture.*

21065. Misbranding of canned cherries. U. S. v. 19 Cases of Canned Cherries. Default decree of condemnation and forfeiture. Product delivered to charitable institutions. (F. & D. no. 29790. Sample no. 28102-A.)

This case involved an interstate shipment of canned cherries found to consist of water-packed cherries which were not labeled as such. The packages failed to bear a plain and conspicuous statement of the quantity of the contents.

On February 13, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cases of canned cherries at Walsenburg, Colo., consigned by Oteo Food Products Co., alleging that the article had been shipped in interstate commerce on or about January 7, 1933, from Nebraska City, Nebr., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Shepard Brand. Net contents 6 lbs. 8 ozs. [indistinctly stamped over "1 Lb. 4 Oz."] pitted Red Cherries. Packed by Oteo Food Products Company, Nebraska City, Nebraska."

It was alleged in the libel that the article was misbranded in that it fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because it was water-packed cherries, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary, indicating that it fell below such standard. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement on the label, "1 Lb. 4 Oz." was incorrect, and the statement "Net Contents 6 lbs. 8 Oz." was illegible.

On June 5, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to a charitable institution.

M. L. WILSON, *Acting Secretary of Agriculture.*

21066. Adulteration and misbranding of candies (pineapple jellies). U. S. v. Joseph G. Dubin & Sons, Inc. Plea of guilty. Fine, \$100. (F. & D. no. 28153. I. S. no. 34379.)

This case was based on an interstate shipment of so-called "Pineapple Jellies", consisting of candies with a jellylike center, chocolate covered. The centers were artificially flavored, containing no pineapple fruit or juice.

On February 9, 1933, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Joseph G. Dubin & Sons, Inc., Brooklyn, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 23, 1931, from the State of New York into the State of New Jersey, of a quantity of the said pineapple jellies which were adulterated and misbranded. The article was labeled in part: (Box) "Jos. G. Dubin & Sons Manufacturing Confectioners 72 Dec. Pineapple Jellies 1c ea. Brooklyn, New York"; (display card inside box) "Pine Jellies Covered with Pure Milk Chocolate."

It was alleged in the information that the article was adulterated in that a chocolate-covered jellylike substance, artificially flavored with undeclared artificial flavor and containing neither pineapple fruit nor pineapple juice, had been substituted for chocolate-covered pineapple jelly, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Pineapple Jellies" and "Pine Jellies Covered with Pure Milk Chocolate", borne on the labeling, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented that the article was pineapple jelly covered with pure milk chocolate; whereas it was not, but was a product with jellylike centers, artificially flavored containing neither pineapple fruit nor pineapple juice. Misbranding was alleged for the further reason that the article was an imitation of another article, namely, chocolate-covered pineapple jelly, and was offered for sale under the distinctive name of another article, "Pineapple Jellies."

On June 20, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

21067. Adulteration of apple pomace. U. S. v. 500 Bags, et al., of Apple Pomace. Default decrees of condemnation and destruction. (F. & D. nos. 30097, 30365, 30387, 30472. Sample nos. 28578-A, 28579-A, 32329-A, 34796-A.)

These cases involved various interstate shipments of apple pomace found to contain lead, or arsenic and lead, in amounts which might have rendered it injurious to health.

On April 17 and April 28, 1933, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,000 bags of apple pomace at Chicago, Ill. On May 2, 1933, a libel was filed in the Western District of Pennsylvania against 12 bags of dried apple pomace at Pittsburgh, Pa., and on May 17, 1933, a libel was filed in the District of New Jersey against 300 bags of apple pomace at Hillside, N.J. It was alleged in the libels that the article had been shipped in interstate commerce by the Duffy-Mott Co., Inc., from Holley, N.Y., and Ravena, N.Y.; that the shipments into the State of Illinois had been made on or about September 4, 1931, and January 28, 1933; that the shipments into the States of Pennsylvania and New Jersey had been made on or about March 11, and March 22, 1933, respectively, and that the article was adulterated in violation of the Food and Drugs Act.

The libels charged that the article was adulterated in that it contained added poisonous and deleterious ingredients, namely, lead, in one of the shipments, and arsenic and lead in the remaining lots, which ingredients might have rendered it injurious to health.

On June 15, June 16, and June 22, 1933, no claimant having appeared for the property, judgments of condemnation were entered and the court ordered that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21068. Adulteration of apples. U. S. v. 98 Boxes of Apples. Default decree of condemnation and destruction. (F. & D. no. 30077. Sample nos. 18182-A, 18183-A.)

This case involved a shipment of apples found to bear lead in an amount which might have rendered them injurious to health.

On March 1, 1933, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 98 boxes of apples at Birmingham, Ala., alleging that the article had been shipped in interstate commerce, on or about January 19, 1933, by the American Fruit Co., from Wenatchee, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Mountain Goat Brand Apples Skookum Distributed by Northwestern Fruit Exchange, Wenatchee, Washington."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On May 11, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21069. Adulteration of dried figs. U. S. v. 50 Cases of Dried Figs. Default decree of forfeiture and destruction. (F. & D. no. 30070. Sample no. 23031-A.)

This case involved an interstate shipment of dried figs which were insect-infested.

On April 25, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of dried figs at Boston, Mass., alleging that the article had been shipped in interstate commerce, on or about March 23, 1933, by the Consolidated Packing Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Honey Bunch Brand Extra Choice Black Mission Figs Packed by Consolidated Packing Co."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On May 22, 1933, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21070. Adulteration of strawberry preserves. U. S. v. 87 Cases of Strawberry Preserves. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29914. Sample no. 22951-A.)

This case involved a quantity of strawberry preserves that were in part moldy.

On March 7, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 87 cases of strawberry preserves at San Francisco, Calif., alleging that the article had been shipped in interstate commerce by F. G. Ewing Co., from Seattle, Wash., having been consigned on or about January 14, 1933, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Jars) "Sun Blest A Sun Blessed Product Extra Fancy Pure Strawberry Preserves."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On April 27, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21071. Adulteration and misbranding of jellies. U. S. v. 40 Cases of Jelly. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29919. Sample nos. 26444-A, 26445-A, 26446-A.)

This case involved an interstate shipment of variously flavored jellies. Examination showed that certain of the products consisted of artificially colored and artificially flavored imitation jellies.

On March 9, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 cases of assorted jellies at Baltimore, Md., alleging that the articles had been shipped in interstate commerce, on or about November 11, 1932, and January 6, 1933, by the Waynesboro Fruit Exchange, from Waynesboro, Pa., and charging that the currant, raspberry, and strawberry-flavored jellies were adulterated and misbranded in violation of the Food and Drugs Act. The articles were labeled in part: "Eclipse Brand * * * Apple Jelly, Waynesboro Fruit Exchange, Waynesboro, Pa." Certain of the jellies were further labeled: "Currant [or "Raspberry" or "Strawberry"] Flavored Artificially Colored."

It was alleged in the libel that the currant, raspberry, and strawberry-flavored jellies were adulterated in that artificially flavored and artificially colored imitation jellies had been substituted for the said articles. Adulteration was alleged for the further reason that the articles had been colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements on the labels, "Apple Jelly Currant Flavored", "Apple Jelly Raspberry Flavored", and "Apple Jelly Strawberry Flavored", were false and misleading and deceived and misled the purchaser, when applied to artificially colored and artificially flavored imitation jellies. Misbranding was alleged for the further reason that the articles were imitations of and offered for sale under the distinctive names of other articles.

On June 15, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21072. Misbranding of canned tomato juice. U. S. v. 92 Cases of Tomato Juice. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29840. Sample no. 32784-A.)

This case involved a shipment of canned tomato juice, sample cans of which were found to contain less than the volume declared on the label.

On February 10, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 92 cases of tomato juice at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce, on or about December 28, 1932, by Francis H. Leggett & Co., from Landisville, N. J., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Premier Pure Tomato Juice * * * Francis H. Leggett & Co. Distributors, New York, Contents 14 Fl. Oz. Metric Equiv. 413.87 CCM."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 14 Fl. Oz. Metric Equiv. 413.87 CCM", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On June 13, 1933, Francis H. Leggett & Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

21073. Adulteration and misbranding of canned corn. U. S. v. Princeville Canning Co. Plea of nolo contendere. Fine, \$25. (F. & D. no. 29492. I. S. no. 39508.)

This case was based on an interstate shipment of a product represented to be Fancy sugar corn. Examination showed that the article was more advanced in maturity than the grade known as Fancy canned corn, consisting of a grade known commercially as "Standard."

On February 7, 1933, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Princeville Canning Co., a corporation, Princeville, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 10, April 9, 23, and 24, 1931, from the State of Illinois into the District of Columbia, of quantities of canned corn which was adulterated and misbranded. The article was labeled in part: "Royal Prince Fancy Country Gentleman Sugar Corn Finest Princeville Quality * * * Packed by Princeville Canning Co., Princeville, Ill."

It was alleged in the information that the article was adulterated in that corn of lower grade than "Finest Quality Fancy Country Gentleman Sugar Corn" had been substituted in whole and in part for the article.

Misbranding was alleged for the reason that the statement, "Fancy Country Gentleman Sugar Corn" borne on the label, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since it was of lower grade than Fancy Country Gentleman sugar corn.

On May 5, 1933, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21074. Adulteration of apple butter. U. S. v. 15 Cases of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29902. Sample no. 33962-A.)

This case involved a lot of apple butter which was found to contain insects and hairs of mice or other rodents.

On March 2, 1933, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of apple butter at Detroit, Mich., alleging that the article had been shipped in interstate commerce, on or about December 13, 1932, by the D. B. Scully Syrup Co., from Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Scully's Pure Apple Butter, * * * Packed by D. B. Scully Syrup Company, Chicago, Ill."

It was alleged in the libel that the article was adulterated in that it consisted of a filthy vegetable substance.

On April 13, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21075. Adulteration and misbranding of butter. U. S. v. Washington Creamery Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 29467. I. S. nos. 23281, 23314, 23505. Sample nos. 1826-A, 1827-A.)

This case was based on various shipments of butter, a portion of which was below the standard established by law, since it contained less than 80 percent by weight of milk fat; a portion was short weight, the packages containing less than the declared weight, 1 pound; and one shipment was low in milk fat, also short weight.

On April 12, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Washington Creamery Co., a corporation, Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act, as amended, in various consignments, on or about April 4, 8, 11, 18, and 19, 1932, from the State of Washington to the Territory of Alaska, of quantities of butter, a part of which was adulterated, a part of which was misbranded, and a part of which was adulterated and misbranded. The article was labeled in part: "Blue Ribbon Brand [or "Premier Brand"] Butter One Pound Distributed By Washington Creamery Co. Seattle, Washington."

It was alleged in the information that the butter in certain shipments was adulterated in that a product deficient in milk fat, since it contained less than 80 percent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as defined by the act of Congress of March 4, 1923, which the article purported to be.

It was further alleged that the butter in the remaining shipments, also in one of the shipments which was low in milk fat, was misbranded in that the statement "One Pound", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since each of a large number of the packages contained less than 1 pound. Misbranding of the said portions was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement "One Pound" was incorrect.

On May 5, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21076. Adulteration of butter. U. S. v. Farmers Cooperative Creamery Co. Plea of guilty. Fine, \$50. (F. & D. no. 29479. Sample no. 11404-A.)

This action involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On March 23, 1933, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against the Farmers Cooperative Creamery Co., a corporation, Marion, Mich., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 3, 1932, from the State of Michigan into the State of New York, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

On May 13, 1933, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

21077. Adulteration of apple butter. U. S. v. 95 Cases of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29766. Sample no. 26550-A.)

This case involved an interstate shipment of apple butter that was found to contain insects.

On January 21, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 95 cases of apple butter at Cumberland, Md., alleging that the article had been shipped in interstate commerce, on or about September 13, 1932, by the National Fruit Product Co., from Winchester, Va., and charging adulteration in violation of the Food and Drugs

Act. The article was labeled in part: (Jar) "Mt. Vernon Brand Apple Butter National Fruit Product Company, Incorporated, Washington, D.C."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On June 15, 1933, the claimant having decided not to contest the action, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21078. Adulteration and misbranding of flour. U. S. v. 140 Sacks of Flour. Default decree entered. Product ordered delivered to unemployed. (F. & D. no. 30411. Sample no. 2996-A, 22022-A.)

This case involved a shipment of flour that was artificially bleached and was not labeled to indicate the fact.

On May 5, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 140 sacks of flour at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce, on or about January 23, 1933, by Larabee Flour Mills Co., from Clinton, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "10 Lbs. Savage Diamond Quality Cake Flour M. W. Savage Factories, Inc., Minneapolis, Minn."

It was alleged in the libel that the article was adulterated in that chlorine had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality, and for the further reason that artificially bleached flour containing added chlorine had been substituted for cake flour.

Misbranding was alleged for the reason that the statement "Cake Flour" was false and misleading and deceived and misled the purchaser, when applied to artificially bleached flour. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On June 21, 1933, no claim or appearance having been entered, and the court having found that the flour, while not complying with the requirements of the Food and Drugs Act, was fit for human consumption, judgment was entered ordering that it be delivered to an organization of the unemployed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21079. Misbranding of apple butter. U. S. v. 89 Cases of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30485. Sample no. 33666-A.)

This case involved an interstate shipment of a quantity of apple butter, samples of which were found to be short weight.

On May 19, 1933, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 89 cases of apple butter at New Orleans, La., alleging that the article had been shipped on or about March 1, 1933, by the Lippincott Co., from Cincinnati, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Jars) "2 Lb. 3 Oz. Net Alameda Brand Apple Butter. Boone Products Corp. Cincinnati, O."

It was alleged in the libel that the article was misbranded in that the statement "2 Lb. 3 Oz. Net" was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the food was in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On June 22, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21080. Adulteration and misbranding of butter. U. S. v. Sugar Creek Creamery Co. Plea of nolo contendere. Fine, \$75. (F. & D. no. 30159. Sample no. 20332-A.)

This action was based on an interstate shipment of butter, samples of which were found to be deficient in milk fat, since they contained less than 80 percent by weight of milk fat, the standard provided by act of Congress.

On May 8, 1933, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sugar Creek Creamery Co., a corporation trading at Pana, Ill., alleging shipment by said company, on or about August 25, 1932, in violation of the Food and Drugs Act, from the State of Illinois into the State of Pennsylvania, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: "Jersey Lily Brand Creamery Butter."

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923.

Misbranding of the article was alleged for the reason that the statement "Butter" was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, a product which should contain not less than 80 percent by weight of milk fat, as required by law, whereas it was not.

On June 15, 1933, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75.

M. L. WILSON, *Acting Secretary of Agriculture.*

21081. Adulteration and misbranding of dried buttermilk feed. U. S. v. 100 Bags and 100 Bags of Dried Buttermilk Feed. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28225. I. S. nos. 18569, 18570. S. no. 6093.)

This case involved an interstate shipment of a product represented to be dried buttermilk feed. Examination showed that dried skim milk had been substituted in part for dried buttermilk, and that the article contained less than 6 percent of fat, the amount declared on the label.

On April 23, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 bags of dried buttermilk feed at Pocomoke, Md., alleging that the article had been shipped in interstate commerce by W. G. Slugg, in part from Deerfield, Wis., on or about December 26, 1931, and in part from Tomah, Wis., on or about February 26, 1932, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Slugg's Pure Dried Buttermilk Feed Manufactured by W. G. Slugg, Milwaukee, Wis. Guaranteed Analysis * * * Crude Fat Not Less Than 6% * * * Ingredients: Pure Milk Solids for Animal, or Poultry Feed and So Labeled."

It was alleged in the libel that the article was adulterated in that a substance, dried skim milk, deficient in fat, had been mixed and packed with the article, so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the following statements on the label, "Pure Dried Buttermilk Feed * * * Guaranteed Analysis * * * Crude Fat Less Than 6% * * * Ingredients Pure Milk Solids", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On March 21, 1933, no claimant having appeared for the property, judgment was entered ordering that the 18 bags of the product which had been seized under the libel, be condemned, forfeited, and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21082. Misbranding of canned pears. U. S. v. 75 Cases of Canned Pears. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. no. 29898. Sample no. 28089-A.)

This case involved a shipment of canned pears that fell below the standard established by this Department and were not labeled to indicate that they were substandard.

On March 10, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 75 cases of canned pears at Pueblo, Colo., consigned by the Western Oregon Packing Corporation, alleging that the article had been shipped in interstate commerce, on or about

October 11, 1932, from Salem, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Jordan Brand Bartlett Pears."

It was alleged in the libel that the article was misbranded in that it fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because of excessive trimming, and because it was water packed, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On June 5, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to a charitable institution.

M. L. WILSON, *Acting Secretary of Agriculture.*

21083. Adulteration and misbranding of butter. U. S. v. William H. Elsass, Alfred E. Elsass, Laurence E. Elsass, C. Eugene Elsass, and Otto W. Elsass (Elsass' Creamery). Plea of guilty. Fine, \$25. (F. & D. no. 29506. Sample nos. 6551-A, 6556-A, 6605-A.)

This case was based on various interstate shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On April 18, 1933, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William H. Elsass, Alfred E. Elsass, Laurence E. Elsass, C. Eugene Elsass, and Otto W. Elsass, copartners, trading as Elsass' Creamery, Rector, Ark., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about April 15, 18, and 21, 1932, from the State of Arkansas into the State of Tennessee, of quantities of butter that were adulterated and misbranded. The article was labeled in part: (Package) "Monogram Creamery Butter * * * The Cudahy Packing Co. * * * Chicago."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter", borne on the label, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since it was not butter as defined by the act of March 4, 1923.

On May 1, 1933, a plea of guilty was entered on behalf of all defendants, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21084. Adulteration and misbranding of cottonseed screenings. U. S. v. Chickasha Cotton Oil Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 29453. I. S. no. 45581.)

This case was based on the interstate shipment of a quantity of cottonseed screenings which contained less than 43 percent of protein, and more than 12 percent of crude fiber, the amounts declared on the label.

On February 27, 1933, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chickasha Cotton Oil Co., a corporation trading at Anadarko, Okla., alleging shipment by said company, under the name of Anadarko Cotton Oil Mill, on or about October 15, 1931, from the State of Oklahoma into the State of Kansas, of a quantity of a product invoiced as cottonseed screenings, which was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Kansas Prime 43% Protein Cottonseed Cake or Meal Guaranteed Analysis Protein, not less than 43%, * * * Crude Fiber, not more than 12% * * * Manufactured by or for Chickasha Cotton Oil Company, Chickasha, Okla."

It was alleged in the information that the article was adulterated in that a product containing less than 43 percent of protein and more than 12 percent of crude fiber had been substituted for the article.

Misbranding was alleged for the reason that the statements "43% Protein * * * Guaranteed Analysis Protein, not less than 43%, * * * Crude Fiber, not more than 12%", borne on the tag, were false and misleading,

and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein, and more than 12 percent of crude fiber.

On May 22, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21085. Adulteration and misbranding of butter. U. S. v. Armour & Co. (Armour Creamery Co.). Plea of guilty. Fine, \$10. (F. & D. no. 28200. Sample no. 6604-A.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On October 20, 1932, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Armour & Co., a corporation trading as the Armour Creamery Co., at Springfield, Mo., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 19, 1932, from the State of Missouri into the State of Tennessee, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: (Carton) "Spring Brook Brand Creamery Butter * * * Distributed by Armour Creameries, General Offices, Chicago."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat, as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement, "Creamery Butter" on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it was not butter as defined by the act of March 4, 1923.

On April 3, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

21086. Misbranding of butter. U. S. v. 4 Boxes of Butter. Default decree of condemnation entered. (F. & D. no. 28396. Sample no. 13021-A.)

This case involved a shipment of butter, sample packages of which were found to contain less than 1 pound, the declared weight.

On May 31, 1932, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 4 boxes of butter at Washington, D. C., alleging that the article had been shipped by the Marty Creamery Co., from Monroe, Wis., on or about May 19, 1932, and had been transported from the State of Wisconsin into the District of Columbia, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Dutch Maid Butter One Lb. Net * * * Marty Creamery Co., Monroe, Wisc."

It was alleged in the libel that the article was misbranded in that it was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents on the outside of the package, since the statement made was not correct.

On March 8, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be disposed of by the United States marshal in such manner as would not violate the provisions of the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

21087. Adulteration and misbranding of Swiss cheese. U. S. v. 1 Wheel of Swiss Cheese, et al. Default decree of condemnation and forfeiture. Product delivered to Government agency. (F. & D. no. 29841. Sample nos. 27883-A, 27884-A, 27895-A.)

This case involved the interstate shipment of a product represented to be Wisconsin Swiss cheese. The article was found to contain less than 45 percent of fat on a dry basis and was accordingly adulterated and misbranded, since

the Wisconsin State law requires a fat content of at least 45 percent on a dry basis for such cheese.

On February 14, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five wheels of cheese at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about December 1, 1932, by Carl Marty & Co., from Monroe, Wis., and charging adulteration and misbranding in violation of the Food and Drugs Act. One wheel was labeled in part: "Meadow Grove Swiss Cheese."

It was alleged in the libel that the article was adulterated in that a substance containing less than 45 percent of fat on a dry basis had been substituted for Swiss cheese, which the article purported to be.

Misbranding was alleged for the reason that the following statements on the labels were false and misleading and deceived and misled the purchaser, when applied to a product containing less than 45 percent of fat on a dry basis: (First lot, one wheel) "Swiss Cheese Wisconsin Dept. of Agriculture and Markets Wisconsin Fancy"; (second lot, three wheels) "Wisconsin Dept. of Agriculture and Markets Wisconsin Standard"; (third lot, one wheel) "Wisconsin Department of Agriculture and Markets Wisconsin Open Standard." Misbranding of the lot labeled, "Meadow Grove Swiss Cheese", was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On May 18, 1933, no claimant having appeared for the property, and the court having found that the deficiency in fat did not render the article unwholesome or unfit for food, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the United States Army engineer at San Francisco.

M. L. WILSON, *Acting Secretary of Agriculture.*

21088. Adulteration of butter. U. S. v. Boone Dairy, Inc. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 29494. I. S. nos. 37639, 42354.)

This action was based on interstate shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On May 8, 1933, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Boone Dairy, Inc., Boone, Iowa, alleging shipment by said company in violation of the Food and Drugs Act, on or about March 23, 1932, from the State of Iowa into the State of Maryland, of quantities of butter which was adulterated. A portion of the article was labeled: (Box) "From Boone Dairy, Inc., * * * Boone, Iowa."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

On June 10, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21089. Misbranding of canned pears. U. S. v. 199 Cases and 100 Cases of Canned Pears. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 30044, 30045. Sample no. 22979-A.)

These cases involved quantities of canned pears, which were falsely branded as to name of packer and State in which produced.

On April 4 and April 5, 1933, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 299 cases of canned pears at San Francisco, and Sacramento, Calif., alleging that the article had been shipped in interstate commerce on or about March 14, 1933, by Ray-Maling Co., Inc., from Portland, Oreg., to San Francisco, Calif.; that a portion had been reshipped to Sacramento, Calif., on or about March 20, 1933; and that the article was misbranded in violation of the Food and

Drugs Act. The article was labeled in part: (Cans) "Sacramento Valley Bartlett Pears * * * Packed by Bercut Richards Pkg. Co., Sacramento, Cal."

It was alleged in the libels that the article was misbranded in that the statement on the label, "Sacramento Valley Standard Bartlett Pears, Packed by Bercut Richards Pkg. Co., Sacramento, Calif.," was false and misleading and deceived and misled the purchaser when applied to a product packed by Starr Fruit Products Co., at Portland, Ore.

The Bercut-Richards Packing Co., appeared as claimant for the lot seized at Sacramento, Calif.; and Henri Bercut, Peter Bercut, and Jean Bercut, trading as Bercut Bros., having filed a claim for the lot seized at San Francisco, Calif., on June 3 and June 13, 1933, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the respective claimants upon payment of costs and the execution of bonds totaling \$315.50, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21090. Adulteration of apples. U. S. v. 31 Boxes of Winesap Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30441. Sample no. 36103-A.)

This case involved an interstate shipment of apples which bore arsenic and lead in amounts which might have rendered them injurious to health.

On April 11, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 31 boxes of apples at Colorado Springs, Colo., consigned by the Herman Ranch, Utahco, Wash., alleging that the article had been shipped in interstate commerce, on or about February 20, 1933, from Toppenish, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Harvest Moon Brand Yakima Valley Fruit * * * C. F. Schaefer Company, Packers, Distributors, Yakima, Washington."

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On May 19, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21091. Adulteration of apples. U. S. v. 72 Boxes and 544 Boxes of Apples. Default decree of condemnation and destruction. (F. & D. nos. 30089, 30105. Sample nos. 33712-A, 33713-A, 33715-A, 34161-A.)

These cases involved interstate shipments of apples found to bear lead in an amount which might have rendered them injurious to health.

On March 21, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 boxes of apples at St. Louis, Mo. On or about March 30, 1933, the United States attorney for the Southern District of Texas filed a libel against 544 boxes of apples at Houston, Tex. It was alleged in the libels that the article had been shipped in interstate commerce, by Gahringer Nicholson, Inc., from Wenatchee, Wash., on or about February 27 and March 1, 1933, and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Persian Brand Northwest Apples C. C. Smith Fruit Co., Yakima and Wenatchee, Washington." A portion was further labeled: "Packed by Gahringer Nicholson, Wenatchee, Wash."

The libels charged that the article was adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered the article injurious to health.

No claim or answer was filed in the cases. On May 2, 1933, judgment of condemnation was entered in the Eastern District of Missouri, and the court ordered that the apples be destroyed by the United States marshal. On May 10, 1933, a decree containing the same provisions was entered in the Southern District of Texas.

M. L. WILSON, *Acting Secretary of Agriculture.*

21092. Misbranding of canned peaches. U. S. v. 300 Cases of Canned Peaches. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 30116. Sample no. 23066-A.)

This case involved a shipment of canned peaches which consisted in large part of ragged and excessively trimmed peaches, and in which the liquid portion was deficient in sugar. The article was not labeled with a statement prescribed by this Department, indicating that it was substandard.

On April 25, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 cases of canned peaches at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about April 3, 1933, by the Howard Terminal, from Oakland, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because it consisted of ragged and excessively trimmed peaches, and because the liquid portion read less than 14° Brix, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On May 3, 1933, Norman L. Waggoner, Inc., San Francisco, Calif., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be disposed of until relabeled to conform to the requirements of the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

21093. Adulteration of apples. U. S. v. 252 Boxes of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30081. Sample no. 28086-A.)

This case involved an interstate shipment of apples found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On March 10, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 252 boxes of apples at Trinidad, Colo., consigned by Matson & Co., alleging that the article had been shipped in interstate commerce on or about January 13, 1933, from Yakima, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ex. Fancy Winesap * * * Packed by Matson & Co. Selah, Wash."

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On May 19, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21094. Adulteration of apples. U. S. v. 726 Boxes of Apples. Default decree of condemnation and forfeiture. Product ordered sold after removal of lead spray residue. (F. & D. no. 30021. Sample no. 35738-A.)

This case involved a shipment of apples which bore excessive lead spray residue.

On March 6, 1933, the United States attorney for the Western District of Oklahoma, acting upon a report by the Oklahoma City Health Department, filed in the district court a libel praying seizure and condemnation of 726 boxes of apples at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce, on or about February 20, 1933, by C. F. Schaefer Co., from Yakima, Wash., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or other added deleterious ingredient, namely, lead, which might have rendered it injurious to health.

On June 3, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal. The decree further provided that the purchaser clean and wash the apples under the supervision of the Oklahoma City Health Department so as to remove the spray residue.

M. L. WILSON, *Acting Secretary of Agriculture.*

21095. Adulteration of apples. U. S. v. 100 Boxes of Delicious and 100 Boxes of Rome Beauty Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30018. Sample no. 28141-A.)

This case involved an interstate shipment of apples, bearing arsenic and lead in amounts which might have rendered them injurious to health.

On March 4, 1933, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 boxes of apples at El Paso, Tex., alleging that the article had been shipped by the Wenatchee Okanogon Corporation from Monitor, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Wenoka Apples Lake Chelan Fruit Growers."

It was alleged in the libel that the article was adulterated in that it contained added poisonous ingredients, arsenic and lead, which might have rendered the article injurious to health.

On May 16, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21096. Adulteration of dried apple pomace. U. S. v. 655 Sacks of Dried Apple Pomace. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30001. Sample no. 35102-A.)

This case involved an interstate shipment of dried apple pomace containing arsenic and lead in amounts which might have rendered them injurious to health.

On March 27, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 655 sacks of dried apple pomace at Cincinnati, Ohio, consigned on or about November 23, 1932, by Watson Industries, Inc., alleging that the article had been shipped in interstate commerce from Valley City, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On May 3, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21097. Adulteration of apples. U. S. v. 756 Boxes of Apples. Default decree of destruction entered. (F. & D. no. 30393. Sample no. 22085-A.)

This case involved a shipment of apples found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On April 12, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 756 boxes of apples at Minneapolis, Minn., consigned by the W. E. Roche Fruit Co., alleging that the article had been shipped in interstate commerce, on or about March 30, 1933, from Buena, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Box) "Jewel Brand Yakima Apples Packed by W. E. Roche Fruit Co., Yakima, Wash."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or other deleterious ingredient which might have rendered it injurious to health.

On May 26, 1933, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21098. Adulteration and misbranding of butter. U. S. v. Finke Creamery Co. Plea of nolo contendere. Fine, \$50 and costs. (F. & D. no. 29491. Sample no. 2286-A.)

This case was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On April 3, 1933, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Finke Creamery Co., a corporation, Scottsbluff, Nebr., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 19, 1932, from the State of Nebraska into the State of Wyoming, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: "Creamery Butter * * * Manufactured by Finke Creamery Co., Scottsbluff, Nebraska."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923.

Misbranding of the article was alleged for the reason that the statement, "Creamery Butter" on the labels, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was creamery butter, a product which should contain not less than 80 percent by weight of milk fat, as required by law; whereas it was not.

On June 12, 1933, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21099. Adulteration of canned salmon. U. S. v. Pioneer Packing Co. Plea of guilty. Fine, \$75 and costs. (F. & D. no. 29520. Sample nos. 1048-A, 26074-A, 26094-A, 26107-A.)

This case was based on shipments of canned salmon, samples of which were found to be decomposed.

On May 12, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Pioneer Packing Co., a corporation, Seattle, Wash., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 29, 1932, from the State of Washington into the State of California, and on or about August 6, 1932, from the Territory of Alaska into the State of Washington, of quantities of canned salmon that was adulterated. A portion of the article was labeled in part: "Quail Brand Pink Salmon * * * Haas, Baruch & Co., Los Angeles, Calif. Distributors."

It was alleged in the information that the article was adulterated in that it consisted in part of a decomposed animal substance.

On June 12, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21100. Adulteration of dried cherries. U. S. v. Joseph Fusco (J. Fusco). Plea of guilty. Fine, \$25. (F. & D. no. 29521. Sample no. 608-A.)

This case was based on an interstate shipment of dried cherries which were in part moldy, and which contained live and dead worms and excreta.

On April 14, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Joseph Fusco, trading as J. Fusco, San Francisco, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about June 1, 1932, from the State of California into the State of New York, of a quantity of dried cherries which were adulterated. The article was labeled in part: "California Dried Cherries."

It was alleged in the information that the article was adulterated in that it consisted in part of filthy, decomposed, and putrid vegetable and animal substances.

On May 4, 1933, the defendant entered a plea of guilty to the information and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21101. Adulteration of butter. U. S. v. Arthur S. Gustafson (Henriette Creamery Co.). Plea of guilty. Fine, \$10. (F. & D. no. 29440. I. S. no. 33946.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On May 2, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Arthur S. Gustafson, trading as Henriette Creamery Co., Henriette, Minn., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about June 3, 1931, from the State of Minnesota into the State of New York, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923.

On May 2, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

21102. Adulteration and misbranding of canned cherries. U. S. v. Webster Canning & Preserving Co., Inc. Plea of guilty. Fine, \$50. (F. & D. no. 29501. I. S. nos. 37644, 39545.)

This case was based on an interstate shipment of a product, labeled "Pitted Red Cherries", which was found to consist in part of unpitted cherries.

On March 27, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Webster Canning & Preserving Co., Inc., Webster, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 15, 1932, from the State of New York into the State of West Virginia, and on or about March 26, 1932, from the State of New York into the State of Maryland, of quantities of canned cherries which were adulterated and misbranded. The article was labeled in part: (Can) "Pitted Red Cherries." A portion was further labeled: "New York State Products Packed by Webster Canning & Preserving Co. Webster, N. Y."

It was alleged in the information that the article was adulterated in that a substance, red cherries from which the pits had not been removed, had been substituted in part for pitted red cherries, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Pitted Red Cherries", borne on the cans, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it did not consist solely of pitted red cherries, but consisted in part of red cherries from which the pits had not been removed.

On May 25, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

21103. Misbranding of canned cherries. U. S. v. 78 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and sale. (F. & D. no. 29844. Sample no. 28114-A.)

This case involved an interstate shipment of canned cherries found to contain excessive pits, and which were not labeled to indicate that they were substandard.

On February 15, 1933, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 78 cases of canned cherries at El Paso, Tex., alleging that the article had been shipped in interstate commerce, on or about August 22, 1932, by the Perry Canning Co., from Ogden, Utah, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Golden 'Q' Brand Water Packed Red Sour Pitted Cherries Perry Canning Co."

It was alleged in the libel that the article was misbranded in that it fell below the standard of quality and condition promulgated by the Secretary of

Agriculture for such canned food because it contained an excessive number of pits, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary, indicating that it fell below such standard. Misbranding was alleged for the further reason that the statement "Pitted Cherries" was false and misleading and deceived and misled the purchaser.

On May 13, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal. Before being sold the goods were labeled: "Below U. S. Standard, Good Food, not high grade, Partially Pitted Cherries."

M. L. WILSON, *Acting Secretary of Agriculture.*

21104. Adulteration and misbranding of candy. U. S. v. 9 Boxes of Candy. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29893. Sample no. 28558-A.)

This case involved an interstate shipment of candy in which the chocolate coating contained paraffin or other mineral wax. The label of the article bore unwarranted health claims.

On March 6, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine boxes of candy at Chicago, Ill., alleging that the article had been shipped in interstate commerce, January 22, 1933, by the Battle Creek Food Co., from Battle Creek, Mich., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Battle Creek Health Chocolate Nut Bar A delicious Health Candy * * * The Battle Creek Food Co., Battle Creek, Mich."

It was alleged in the libel that the article was adulterated in that a substance, paraffin or other mineral wax, had been mixed and packed with the article, so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in whole or in part for cacao butter in the so-called chocolate coating. Adulteration was alleged for the further reason that the article was mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement on the label, "Chocolate", was false and misleading and deceived and misled the purchaser when applied to a coating simulating chocolate, but in which paraffin or other mineral wax had been substituted for cacao butter. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the statements, "Health Chocolate * * * A * * * Health Candy", borne on the label, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 9, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21105. Adulteration and misbranding of vinegar. U. S. v. 19 Barrels and 20 Cases of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28302. I. S. nos. 23230 to 23233 incl. S. no. 6177.)

This action involved interstate shipments of barreled and bottled vinegar, which was found to contain arsenic and lead in amounts which might have rendered it injurious to health. A portion of the vinegar in barrels was found to be of lower acidity than labeled.

On May 10, 1932, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 19 barrels and 20 cases of vinegar at Lewiston, Idaho, alleging that the article had been shipped in interstate commerce, the former on or about March 16, 1932, and the latter on or about March 24, 1932, by the Western Cider Vinegar Co., from Freewater, Oreg., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Barrel lots) "Selecto Brand Genuine Apple

Cider Vinegar"; "Reliance Brand Genuine Apple Cider Vinegar, Reduced to 4½%"; (bottles) "Pure Cider Vinegar * * * Mfg. by J. W. Gilmore & Co. Moscow, Idaho."

It was alleged in the libels that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

Misbranding of a portion of the barreled vinegar was alleged for the reason that the statement, "Reduced to 4½%", was false and misleading and deceived and misled the purchaser.

On October 3, 1932, an order was entered by the court permitting the Western Cider Vinegar Co., Inc., to take the barreled vinegar down under bond. On November 16, 1932, no claim having been entered for the bottled vinegar and the claimant for the barreled vinegar having failed to exercise its right under the order of October 3, judgment was entered ordering both lots forfeited and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21106. Adulteration of butter. U. S. v. Sara A. Goble and M. Rex Goble (Linwood Dairy & Creamery Co.). Pleas of guilty. Fine, \$25 and costs. (F. & D. no. 28198. I. S. no. 42720.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On October 6, 1932, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Sara A. Goble and M. Rex Goble, copartners trading as the Linwood Dairy & Creamery Co., Wichita, Kans., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about December 28, 1931, from the State of Kansas into the State of New York, of a quantity of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent of milk fat as defined by the act of March 4, 1923, which the article purported to be.

On March 20, 1933, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21107. Adulteration and misbranding of canned tomatoes. U. S. v. 39 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. & D. no. 29905. Sample no. 32799-A.)

This case involved an interstate shipment of canned tomatoes that were in part decomposed. The article also fell below the standard of fill of container established by this Department, and was not labeled to show that it was slack-filled.

On March 4, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 cases of canned tomatoes at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about January 11, 1933, by F. D. Bolton, from Fincastle, Va., and charging adulteration in violation of the Food and Drugs Act. On March 23, 1933, the libel was amended in order to charge that the product was also misbranded. The article was labeled in part: "Cherry Grove Brand Hand Packed Tomatoes * * * Packed by F. D. Bolton, Fincastle, Va."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

Misbranding was alleged in the libel as amended in that the article was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture for such canned food, and the package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On June 22, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21108. Adulteration of canned salmon. U. S. v. 870 Cases, et al., of Canned Salmon. Product released under bond. (F. & D. no. 29540. Sample nos. 26901-A, 26920-A, 26921-A.)

These cases involved an interstate shipment of canned salmon, samples of which were found to be decomposed.

On November 26, 1932, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 870 cases of canned salmon at Nashville, Tenn. A portion of the goods covered by this libel was not seized. Subsequently the United States attorney filed libels against 201 cases and 455 cases covering the remainder. The libels charged that the article had been shipped in interstate commerce, on or about September 19, 1932, by the C. F. Buelow Co., from Seattle, Wash., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Spot Lite Brand Pink Salmon."

It was alleged in the libels that the article was adulterated in that an examination had shown the presence of a putrid animal substance.

On June 9, 1933, the C. B. Ragland Co., Nashville, Tenn., having entered a claim for the property, and having petitioned that it be released temporarily for the purpose of returning it to Seattle, Wash., it was ordered by the court that the product be released to the claimant upon the execution of a bond in the sum of \$3,000, conditioned that it should not be sold or otherwise disposed of in violation of the Food and Drugs Act, and that it be brought into conformity with the law under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21109. Adulteration of butter. U. S. v. Des Moines Cooperative Dairy Marketing Association, Inc. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 29475. I. S. nos. 24722, 24745.)

This action was based on interstate shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On March 3, 1933, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Des Moines Cooperative Dairy Marketing Association, a corporation, Des Moines, Iowa, alleging shipment by said company in violation of the Food and Drugs Act, in part on or about May 18, and in part on or about May 27, 1931, from the State of Iowa into the State of Illinois, of quantities of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

On May 2, 1933, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21110. Adulteration of tomato catsup. U. S. v. 111 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29860. Sample no. 28115-A.)

This case involved an interstate shipment of a quantity of tomato catsup which was found to contain excessive mold.

On February 20, 1933, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 111 cases of tomato catsup at El Paso, Tex., alleging that the article had been shipped in interstate commerce, on or about August 22, 1932, by the Perry Canning Co., from Ogden, Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Mountain Made Brand Standard Catsup * * * Packed by Perry Canning Co., Perry, Utah."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On May 13, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21111. Adulteration and misbranding of butter. U. S. v. Twin City Creamery Co. Pleas of guilty. Total fines, \$800. F. & D. nos. 29354, 29437. I. S. nos. 12719, 12723, 12724, 12725, 23226, 23236. Sample no. 1553-A.)

These actions were based on several interstate shipments of butter. Samples taken from each of the lots were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On December 21, 1932, and February 14, 1933, respectively, the United States attorney for the Eastern District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court two informations against the Twin City Creamery Co., a corporation, Kennewick, Wash., alleging shipment by said company in violation of the Food and Drugs Act, in various consignments, on or about March 21, March 28, April 8, and July 11, 1932, from the State of Washington into the State of Oregon, of quantities of butter which was adulterated and misbranded. A portion of the article was labeled: "Twin City Butter * * * manufactured exclusively by Twin City Creamery Co. Kennewick, Wash." The remainder was labeled: "Creamery Butter * * * Twin City Creamery."

It was alleged in the informations that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter", borne on the labels, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it was not butter as defined by law.

On May 3, 1933, a plea of guilty to each information was entered on behalf of the defendant company, and the court imposed a fine of \$200 in the first case and \$600 in the second.

M. L. WILSON, *Acting Secretary of Agriculture.*

21112. Adulteration of Brazil nuts. U. S. v. 38 Bags and 60 Bags of Brazil Nuts. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29557, 29588. Sample nos. 23936-A, 23939-A.)

These cases involved shipments of Brazil nuts which were in part moldy and decomposed.

On December 1 and December 3, 1932, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 98 bags of Brazil nuts at St. Louis, Mo., alleging that the article had been shipped in interstate commerce, on or about October 13 and October 19, 1932, by William A. Higgins Co., New York, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Holly Jumbo [or "Medium"] Manaos Brazil W. A. H."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On June 24, 1933, William A. Higgins Co., Inc., intervener, having withdrawn claims and answers, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21113. Misbranding of canned cherries. U. S. v. 14 Cases of Canned Cherries. Default decree of condemnation and forfeiture. Product delivered to charitable institutions. (F. & D. no. 29784. Sample no. 28101.)

This case involved an interstate shipment of canned cherries, found to consist of water-packed cherries which were not labeled as such.

On February 13, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 cases of canned cherries at Walsenburg, Colo., consigned by Western Oregon Packing Corporation, alleging that the article had been shipped in interstate commerce on or about December 30, 1932, from West Salem, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Mountainview Brand Packed by Brownsville Canning Company, Corvallis, Oreg. Solid Pack Pitted Red Cherries."

It was alleged in the libel that the article was misbranded in that it fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because it was water-pack cherries and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary, indicating that it fell below such standard. Misbranding was alleged for the further reason that the statement on the label, "Solid Pack" when applied to a product packed in water, was false and misleading and deceived and misled the purchaser thereof.

On June 5, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to a charitable institution.

M. L. WILSON, *Acting Secretary of Agriculture.*

21114. Adulteration of evaporated apples. U. S. v. 52 Boxes of Evaporated Apples. Default decree of destruction entered. (F. & D. no. 29688. Sample no. 6516-A.)

This case involved an interstate shipment of evaporated apples that were in part insect-infested, dirty, and decomposed.

On December 29, 1932, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 52 boxes of evaporated apples at Kansas City, Mo., alleging that the article had been shipped in interstate commerce, on or about November 17, 1932, by J. R. Bever Co., from Gentry, Ark., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Choice Evaporated Apples Packed by the J. R. Bever Co. Gentry, Arkansas."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy and decomposed vegetable substance.

On June 14, 1933, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21115. Adulteration and misbranding of butter. U. S. v. William W. Barnum (McKean County Creamery). Plea of guilty. Fine, \$50 and costs. (F. & D. no. 29498. Sample no. 8730-A.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress. Sample packages also were found to contain less than 1 pound, the weight declared on the label.

On May 31, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William W. Barnum, trading as McKean County Creamery, Smethport, Pa., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about June 15, 1932, from the State of Pennsylvania into the State of New York, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Smethport Brand Creamery Butter * * * McKean County Creamery Smethport, Pa. * * * One Pound Net."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement, "One Pound Net", was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the package contained less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On June 12, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21116. Misbranding of canned peas. U. S. v. 93 Cases and 140 Cases of Canned Peas. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29741. Sample no. 16373-A.)

This case involved a shipment of canned peas which contained an excessive amount of hard peas, and which was not labeled to indicate that it was substandard.

On January 10, and March 4, 1933, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 233 cases of canned peas at Portland, Maine, alleging that the article had been shipped in interstate commerce on or about August 1, 1932, by A. W. Sisk & Son, from Taneytown, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Green-Glo Brand * * * Early June Peas. Albert W. Sisk & Son Distributors, Preston, Md."

It was alleged in the libels that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because of an excessive amount of hard peas, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On June 24, 1933, A. W. Sisk & Son, Preston, Md., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be disposed of until brought into conformity with the law under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21117. Adulteration of canned shrimp. U. S. v. 375 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29778. Sample no. 21080-A.)

This case involved a quantity of canned shrimp which was in part decomposed.

On January 26, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 375 cases of canned shrimp at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about December 29, 1932, by the Louisiana Packing Co., from Houma, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Kellogg's Supreme Quality Shrimp."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On May 24, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21118. Adulteration of butter. U. S. v. Springfield Creamery Co. Plea of guilty. Fine, \$1. (F. & D. no. 29474. I. S. no. 23291.)

This action was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On May 15, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Springfield Creamery Co., a corporation, Springfield, Oreg., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 6, 1932, from the State of Oregon into the State of Washington, of a quantity of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

On May 15, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$1.

M. L. WILSON, *Acting Secretary of Agriculture.*

21119. Misbranding of cottonseed meal, cottonseed cake, and cottonseed screenings. U. S. v. Southland Cotton Oil Co. Plea of guilty. Fine, \$325. (F. & D. no. 29379. I. S. nos. 23819, 23823, 23825, 45583, 45584, 45586.)

This case was based on various interstate shipments of cottonseed meal, cake, and screenings. Examination of the articles showed that certain sacks in all lots were short weight, and that the product in two of the shipments contained less than 43 percent of protein, the declared protein content.

On February 9, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Southland Cotton Oil Co., a corporation, Waxahachie, Tex., alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about October 7, October 21, October 28, October 30, November 4, and November 5, 1931, from the State of Texas into the State of Kansas, of quantities of cottonseed meal, cake, and screenings that were misbranded. Portions of the articles were labeled in part: "100 Lbs. Net Southland's Cottonseed Cake and Meal Prime Quality Guaranteed Analysis Crude Protein, not less than 43% * * * Made * * * By Southland Cotton Oil Co. * * * Paris, Texas." One lot was labeled: "Interstate Brand 43% Protein Cotton Seed Cake & Meal Prime Quality * * * 100 Pounds Net * * * Made For Interstate Feed Company Fort Worth, Texas."

It was alleged in the information that the articles were misbranded in that the statements, "100 Lbs. Net" or "100 Pounds Net", borne on the labels, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since the statements represented that each of the sacks contained 100 pounds; whereas each of a number of sacks in all of the shipments contained less than 100 pounds. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect. Misbranding was alleged with respect to two lots of the "Southland's Cottonseed Cake and Meal" for the further reason that the statement, "Guaranteed Analysis Crude Protein 43%," was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the product in the said two lots contained less than 43 percent of protein. On May 20, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$325.

M. L. WILSON, *Acting Secretary of Agriculture.*

21120. Adulteration of apples. U. S. v. 76 Bushels of Apples. Consent decree of condemnation and forfeiture. Product released under bond for removal of deleterious ingredients. (F. & D. no. 29146. Sample no. 24891-A.)

This case involved a shipment of apples found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On or about October 7, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 76 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on September 30, 1932, by Tony Lombardo, from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On November 4, 1932, Tony Lombardo, Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that the deleterious ingredients be removed by washing, under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21121. Adulteration and misbranding of tomato paste. U. S. v. 19 Cases, et al., of Tomato Paste. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 28595, 28596, 28597. Sample nos. 7182-A, 7183-A, 7186-A.)

These actions involved quantities of a product represented to be tomato paste, but which was insufficiently concentrated to be deemed paste. Sample cans of the article taken from two of the shipments were found to contain less than the declared weight. The article in the said two shipments failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement appearing on the label was incorrect.

On August 8, 1932, the United States attorney for the Northern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of three consignments consisting of 49 cases of tomato paste at Pensacola, Fla., alleging that the article had been shipped in interstate commerce, in part on or about October 31, 1931, June 20, 1932, and June 24, 1932, by the Uddo-Taormina Corporation, from New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Buffalo Brand Tomato Paste * * * Net Contents 5 oz. Packed by Uddo Taormina Corp., New Orleans, La."

It was alleged in the libels that the article was adulterated in that an insufficiently concentrated, strained tomato product had been substituted for tomato paste.

Misbranding was alleged for the reason that the statements "Tomato Paste" and "Net Contents 5 Oz.", were false and misleading and deceived and misled the purchaser; for the reason that the article was offered for sale under the distinctive name of another article; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

This Department recommended charges of short weight against only the 29 cases of the product shipped October 31, 1931, and June 20, 1932, no shortage in weight having been found in the shipment of June 24, 1932.

On May 6, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21122. Adulteration of canned salmon. U. S. v. 573 Cases of Canned Salmon. Decree of condemnation entered. Portion of product ordered released unconditionally. Portion ordered destroyed. Remainder ordered released under bond for further examination. (F. & D. no. 29196. Sample no. 7061-A.)

This case involved a certain interstate shipment of canned salmon, samples of which were found to be decomposed.

On November 8, 1932, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 573 cases of canned salmon at Birmingham, Ala., alleging that the article had been shipped in interstate commerce, on or about September 11, 1932, by McGovern & McGovern, from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Spot Lite Brand Alaska Pink Salmon." A portion of the article was coded, and the remainder was uncoded.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On March 18, 1933, the case came on for hearing before the court, without a jury, and evidence was introduced on behalf of the Government and the claimant, the Davis Brokerage Co., Birmingham, Ala. On May 27, 1933, the court entered judgment, condemning the product and ordering that a portion of the product identified under code number 31 be destroyed, that the portions bearing code numbers 22 and 23 be released unconditionally, and that the remainder be released to the claimant under a bond in the sum of \$1,000, conditioned that it be examined and held for further orders of the court.

M. L. WILSON, *Acting Secretary of Agriculture.*

21123. Adulteration and misbranding of vanilla flavor. U. S. v. Yerkes Chemical Co., Inc. Plea of guilty. Fine, \$50. (F. & D. no. 28069. I. S. no. 33762.)

This case was based on an interstate shipment of alleged vanilla flavor, which upon examination was found to consist of a solution of vanillin and coumarin, colored with caramel, which contained little, if any, vanilla. Sample bottles also were found to contain less than the declared volume.

On November 11, 1932, the United States attorney for the Middle District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Yerkes Chemical Co., Inc., a corporation, Winston-Salem, N. C., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 12, 1931, from the State of North Carolina into the State of Virginia, of a quantity of vanilla flavor which was adulterated and misbranded. The article was labeled in part: (Bottle) "Contents 6 Ozs. Compound Vanilla Flavor * * * Manufactured and Guaranteed by Yerkes Chemical Company, Inc. * * * Winston-Salem, N. C."

It was alleged in the information that the article was adulterated in that an artificially colored imitation vanilla product had been substituted in whole or in part for vanilla flavor which the article purported to be. Adulteration was alleged for the further reason that the article was inferior to vanilla flavor, namely, an imitation product composed in part of coumarin, vanillin, and alcohol, and which contained little, if any, vanilla, and was artificially colored with caramel so as to simulate the appearance of vanilla flavor and in a manner whereby its inferiority to vanilla flavor was concealed.

Misbranding was alleged for the reason that the statements, "Vanilla Flavor, * * * Contents 6 Ozs." borne on the label, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the statements represented that the article was vanilla flavor, and that each of the bottles contained 6 ounces thereof; whereas it was not vanilla flavor, and the bottles contained less than 6 ounces. Misbranding was alleged for the further reason that the article was a product composed in part of coumarin, vanillin, and alcohol, artificially colored, prepared in imitation of vanilla flavor, and was offered for sale and sold under the distinctive name of another article, namely, vanilla flavor. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 1, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

21124. Adulteration and misbranding of cottonseed meal. U. S. v. 275 Bags of Cottonseed Meal. Product released under bond to be relabeled. (F. & D. no. 29981. Sample no. 28154-A.)

This case involved a shipment of cottonseed meal which was found to contain less than 43 percent of protein, the amount declared on the label.

On March 29, 1933, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 275 bags of cottonseed meal at Albuquerque, N. Mex., alleging that the article had been shipped in interstate commerce, on or about February 8, 1933, by the Sweetwater Cotton Oil Co., from Sweetwater, Tex., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Not less than 43.00 per cent protein."

It was alleged in the libel that the article was adulterated in that a product containing less than 43 percent of protein had been substituted for 43 percent protein cottonseed meal, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Not less than 43.00 per cent protein", was false and misleading and deceived and misled the purchaser.

On May 1, 1933, the Sweetwater Cotton Oil Co., Sweetwater, Tex., having appeared as claimant for the property and having admitted the allegations of the libel and consented to the entry of a decree, judgment was entered ordering that product be released to the claimant upon the execution of a bond in the sum of \$200, conditioned that it be relabeled to show the actual protein content.

M. L. WILSON, *Acting Secretary of Agriculture.*

21125. Adulteration of apple chops. U. S. v. 467 Sacks of Apple Chops. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29940. Sample no. 35106-A.)

This case involved a quantity of apple chops containing arsenic and lead in amounts which might have rendered them injurious to health.

On March 15, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 467 sacks of apple chops at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about May 2, 1931, by the Battletown Fruit Co., from Staunton, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On June 20, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21126. Adulteration of apples. U. S. v. W. E. Roche Fruit Co. Plea of guilty. Fine, \$25. (F. & D. no. 29468. I. S. no. 41042.)

This case was based on a shipment of apples found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On February 9, 1933, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the W. E. Roche Fruit Co., a corporation, Yakima, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about November 28, 1931, from the State of Washington into the State of Wisconsin of a quantity of apples which were adulterated. The article was labeled in part: "Jewel Brand Yakima Apples Packed by W. E. Roche Fruit Co., Yakima, Wash."

It was alleged in the information that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On May 5, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21127. Misbranding of assorted chocolate candy. U. S. v. Walker Candy, Inc. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 29431. Sample no. 2034-A.)

This action was based on an interstate shipment of assorted chocolate candy, sample packages of which were found to contain less than the declared weight, 1 pound.

On March 8, 1933, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Walker Candy, Inc., Owosso, Mich., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about April 20, 1932, from the State of Michigan into the State of Colorado, of a quantity of assorted chocolates that were misbranded. The article was labeled in part: (Box) "Caprice Assorted Chocolates * * * One Pound Net Marguerite Owosso, Michigan."

It was alleged in the information that the article was misbranded in that the statement on the package, "One Pound Net", was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the packages contained less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 15, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21128. Adulteration of canned tuna fish. U. S. v. 99 Cases of Tuna Fish. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28433. Sample no. 8853-A.)

This case involved an interstate shipment of canned tuna fish that was in part decomposed.

On June 25, 1932, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 99 cases of tuna fish at Buffalo, N.Y., alleging that the article had been shipped in interstate commerce on May 18, 1932, by Hunt Bros. Packing Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Brest-O-Chicken Brand * * * Tuna Fish Extra Fancy * * * Packed by Westgate Sea Products Company, San Diego, California."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On June 26, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21129. Adulteration of canned salmon. U. S. v. 3,500 Cases of Canned Salmon, more or less. Product released under bond for separation and destruction of adulterated portion. (F. & D. no. 29001. Sample nos. 25117-A, 26126-A.)

This case involved a shipment of canned salmon, samples of which were found to be in part decomposed.

On October 4, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of approximately 3,500 cases of canned salmon at Alameda, Calif. On May 4, 1933, the libel was amended to cover only that portion of the goods in unlabeled tall cans coded E 11, followed by an anchor in a vertical position pointing upward. It was alleged in the libel as amended that the article had been shipped by the Alaska Packers Association, from Bristol Bay, Alaska, to Alameda, Calif., on or about August 8 and August 22, 1932, and that it was adulterated in violation of the Food and Drugs Act.

The libel alleged that the article was adulterated in that it consisted in part of a decomposed animal substance.

On May 29, 1933, the Alaska Packers Association, having appeared as claimant for the portion of the product seized, consisting of approximately 1,200 cases, judgment was entered ordering that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$7,200. The bond was conditioned that all decomposed salmon be destroyed and that the wholesome portion be recanned subject to inspection and approval by this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21130. Adulteration of canned salmon. U. S. v. Kadiak Fisheries Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 28182. I. S. nos. 34725, 36201, 38907.)

This case was based on interstate shipments of canned salmon, samples of which were found to be decomposed.

On January 16, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Kadiak Fisheries Co., a corporation, Seattle, Wash., alleging the interstate shipment of various lots of canned salmon which had been guaranteed by the defendant company as complying with the Federal Food and Drugs Act, and which were in fact adulterated. The information alleged that the E. H. Hamlin Co., Seattle, Washington., had shipped on or about August 14, 1931, from the State of Washington into the State of Pennsylvania, and on or about September 4, 1931, from the State of Washington into the State of Massachusetts, quantities of canned salmon; that the R. E. Cotter Co. trading at Seattle, Wash., had shipped on or about August 15, 1931, from the State of Washington into the State of California, and thence into the State of Kansas, a quantity of canned salmon; that the defendant company, prior to said shipments, had delivered to the said shippers invoices

containing a guaranty that the product was not adulterated or misbranded in violation of the Food and Drugs Act; that the article was adulterated, and that the defendant company was amenable to prosecution and the penalties which, but for said guaranty, would have attached to the shippers. The article was labeled in part, variously: "Uncle Sam Brand Pink Alaska Salmon Packed by Kadiak Fisheries Co., Kodiak, Alaska Office-Seattle, Wash."; "Criterion Alaska Salmon * * * Kadiak Fisheries Co., KFC Kodiak, Alaska"; "I. G. A. Brand Pink Salmon * * * Packed for Independent Grocers Alliance Distributing Co., Chicago, Illinois."

The information charged that the article was adulterated in that it consisted in part of a decomposed animal substance.

On May 23, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21131. Alleged adulteration and misbranding of oysters. U. S. v. J. Waldron Bayles and Samuel A. Bayles (Oyster Bay Oyster Co.). Tried to a jury. Information ordered dismissed; defendants acquitted by direction of the court. (F. & D. no. 28040. I. S. nos. 2094, 2095, 11024.)

On December 14, 1932, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against J. Waldron Bayles and Samuel A. Bayles, copartners, trading as the Oyster Bay Oyster Co., Oyster Bay, N. Y., charging shipment by said defendants in violation of the Food and Drugs Act, on or about December 10 and December 15, 1930, from the State of New York into the State of Washington, of quantities of oysters which were alleged to be adulterated and misbranded.

The information charged that the article was adulterated in that a substance, excessive water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for oysters, which the article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, oyster solids, had been in part abstracted.

It was further alleged in the information that the article was misbranded in that the statement "Oysters", borne on the tag attached to the cases was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 12, 1933, the defendants having each entered a plea of not guilty, the case came on for trial before a jury. On motion of counsel for the defendants counts 2 and 4 charging misbranding of the product were dismissed. After hearing the evidence the court ordered the remaining counts dismissed and directed that the defendants be acquitted.

M. L. WILSON, *Acting Secretary of Agriculture.*

21132. Misbranding of paprika and black pepper. U. S. v. 12 Cartons of Paprika and 17 Cases and 13½ Cases of Black Pepper. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 28874, 28955. Sample nos. 13251-A, 13254-A, 13362-A.)

These cases involved the interstate shipment of quantities of paprika and black pepper, sample packages of which were found to contain less than the declared weight.

On September 7 and September 26, 1932, the United States attorney for the Middle District of Alabama, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 12 cartons of paprika and 30¾ cases of black pepper at Montgomery, Ala., alleging that the articles had been shipped in interstate commerce, in various consignments, on or about November 30, 1931, April 4, and August 5, 1932, by the Hudson Tea & Spice Co., Inc., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The paprika was labeled: (Carton) "Hudson Brand HTC Pure Paprika * * * 4 Oz. Net Weight." The pepper was labeled: (Package) "Alabama Maid Brand Black Pepper * * * 5½ Oz. Net Weight."

It was alleged in the libels that the articles were misbranded in that the statements on the respective labels, "4 Oz. Net Weight" and "5½ Oz. Net

Weight", were false and misleading and deceived and misled the purchaser, and for the further reason that the articles were in package form and the quantities of the contents were not plainly and conspicuously marked on the outside of the packages, since the quantities stated were incorrect.

On June 30, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21133. Adulteration and misbranding of canned frozen whole eggs and egg yolk. U. S. v. Frigid Food Products, Inc. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 28038. I. S. nos. 28328, 28334.)

This action was based on interstate shipments of canned frozen eggs and frozen egg yolk, which contained added undeclared sugar.

On October 6, 1932, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Frigid Food Products, Inc., a corporation trading at Omaha, Nebr., alleging shipment by said company in violation of the Food and Drugs Act, in part on or about January 5, 1931, and in part on or about February 19, 1931, from the State of Nebraska into the State of Pennsylvania, of quantities of canned frozen eggs and egg yolk that were adulterated and misbranded. The article was labeled in part: (Cans) "Frigidegs Frozen Strictly Fresh * * * Packed Exclusively by Frigid Food Products, Inc." A portion were further labeled "Gold yolks."

It was alleged in the information that the article was adulterated in that added sugar had been substituted in part for frozen eggs, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Frigidegs Frozen", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the statement represented that the article consisted wholly of frozen eggs, whereas it consisted in part of undeclared added sugar. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely, Frigidegs.

On May 15, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21134. Adulteration and misbranding of canned cherries. U. S. v. 6% Cases of Canned Cherries. Default decree of condemnation and forfeiture. (F. & D. no. 28007. I. S. no. 39545. S. no. 6062.)

This case involved an interstate shipment of a product, represented to be canned pitted cherries, which was found to contain excessive pits.

On April 16, 1932, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6% cases of canned cherries at Alderson, W. Va., alleging that the article had been shipped in interstate commerce on or about February 15, 1932, by the Webster Canning & Preserving Co., from Webster, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that partially pitted cherries had been substituted for pitted cherries.

Misbranding was alleged for the reason that the article was labeled, "New York State Products Packed by Webster Canning & Preserving Company, Webster, New York, net weight 6 pounds 9 ounces, Pitted Red Cherries, packed in water", whereas it consisted of partially pitted cherries.

On May 6, 1933, no claimant having appeared for the property, judgment was entered ordering condemnation and forfeiture of the product.

M. L. WILSON, *Acting Secretary of Agriculture.*

21135. Adulteration and misbranding of tomato paste. U. S. v. 8 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28598. Sample no. 7185-A.)

This action involved a quantity of a product represented to be tomato paste, but which was insufficiently concentrated to be deemed paste.

On August 8, 1932, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of eight cases of tomato paste at Pensacola, Fla., alleging that the article had been shipped in interstate commerce, on or about July 2, 1932, by F. G. Favaloro Sons, Inc., from Georgetown, Miss., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Net Contents 5 Oz. Indian Girl Brand Tomato Paste Color Added * * * Packed by F. G. Favaloro Sons, Inc."

It was alleged in the libel that the article was adulterated in that an insufficiently concentrated strained tomato product had been substituted for tomato paste.

Misbranding was alleged for the reason that the statements, "Tomato Paste" and "Net Contents 5 Oz.," were false and misleading and deceived and misled the purchaser; for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

This Department did not recommend charge of short weight against this product since no shortage in weight was found in the samples examined.

On May 6, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21136. Adulteration and misbranding of cottonseed meal and cottonseed screenings. U. S. v. Swift & Co. Plea of guilty. Fine, \$50. (F. & D. no. 29349. I. S. nos. 32638, 47496, 47497, 50958.)

This case was based on several interstate shipments of cottonseed meal and cottonseed screenings which contained less than 43 percent of protein, the amount declared on the label.

On December 6, 1932, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Swift & Co., a corporation trading at Little Rock, Ark., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 26, March 10, and March 17, 1932, from the State of Arkansas into the State of Kansas, and on or about March 10, 1932, from the State of Arkansas into the State of Montana, of quantities of cottonseed screenings and cottonseed meal which were adulterated and misbranded. The articles were labeled, variously: "Guaranteed Analysis Protein 43% * * * Manufactured * * * For S. P. Davis, Shipper, Little Rock, Ark."; "Hayes Brand Cottonseed Meal and Cracked Screened Cottonseed Cake. * * * Guaranteed Analysis Protein 43.00%. * * * Manufactured for Hayes Grain & Commission Company, Little Rock, Arkansas"; "Cotton Seed Cake and Meal 'Superior Quality' * * * Guaranteed Analysis Protein, not less than 43% * * * Distributed By Superior Cake & Meal Co. * * * Kansas City, Mo."

It was alleged in the information that the articles were adulterated in that products deficient in protein, in that they contained less than 43 percent of protein, had been substituted for the articles.

Misbranding was alleged for the reason that the statements, "Guaranteed Analysis Protein 43%" and "Guaranteed Analysis Protein not less than 43%", borne on the tags attached to the sacks containing the articles, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since they contained less than 43 percent of protein.

On June 13, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

21137. Misbranding of tomato juice. U. S. v. Edgar F. Hurff. Plea of guilty. Fine, \$25. (F. & D. no. 29364. I. S. nos. 38683, 38917, 42519.)

This case was based on several interstate shipments of tomato juice in various-sized containers. Samples taken from each of the shipments were found to contain less than the labeled volume.

On April 10, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Edgar F. Hurff, Swedesboro, N. J., alleging shipment by

said defendant in violation of the Food and Drugs Act as amended, on or about August 18 and August 20, 1931, from the State of New Jersey into the State of New York, and on or about October 17, 1931, from the State of New Jersey into the State of Massachusetts, of quantities of tomato juice that was misbranded. The article was labeled, variously: "Lucky Boy Brand Pure Tomato Juice Contents 1 Pound 4 Ounces * * * Embassy Grocery Corp. Distributors New York, N. Y."; "Hatchet Brand Pure Tomato Juice * * * Contents 1 Pint 3 Fl. Oz. The Twitchell-Champlin Co. Distributors Portland, Maine and Boston, Mass."; "Hurff Brand Tomato Juice * * * Contents 13 Fluid Ozs. * * * 13 Oz. * * * Packed by Edgar F. Hurff Swedesboro, New Jersey."

It was alleged in the information that the article was misbranded in that the statements, "Contents 1 Pound 4 Ounces", "Contents 1 Pint 3 Fl. Oz.", or "13 Oz. * * * Contents 13 Fluid Ozs.", borne on the cans, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the cans contained less than declared. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements made on the cans were incorrect.

On June 12, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21138. Adulteration of canned salmon. U. S. v. 149 Cases of Canned Salmon. Default decree of condemnation and destruction. (F. & D. no. 29292. Sample no. 21761-A.)

This case involved the interstate shipment of a quantity of canned salmon, samples of which were found to be decomposed.

On November 12, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 149 cases of canned salmon at Pittsburgh, Pa., alleging that the article had been shipped on or about September 29, 1932, by Oceanic Sales Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On June 29, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21139. Adulteration of apples. U. S. v. Yakima Fruit & Cold Storage Co. Plea of guilty. Fine, \$75. (F. & D. no. 29401. I. S. nos. 22490, 46508, 46509.)

This case was based on the interstate shipment and the delivery for shipment to a foreign country, of quantities of apples found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On January 3, 1933, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Yakima Fruit & Cold Storage Co., a corporation, Yakima, Wash., alleging shipment by said defendant, on or about February 1 and February 5, 1932, from the State of Washington into the State of California, also the delivery for shipment to Germany, on or about March 4, 1932, of quantities of apples that were adulterated in violation of the Food and Drugs Act. The product delivered for shipment to a foreign country was labeled in part: (Box) "Persian Brand Northwest Apples C. C. Smith Fruit Co. Yakima and Wenatchee"; (stenciled on box) "Packed by Yakima Fruit & Cold Storage Co. Yakima, Wash."

It was alleged in the information that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic, or arsenic and lead, in amounts which might have rendered it injurious to health.

On May 4, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75.

M. L. WILSON, *Acting Secretary of Agriculture.*

21140. Adulteration and misbranding of butter. U. S. v. John Austin Emigh (Shady Lawn Creamery Co.). Plea of guilty. Fine, \$110. (F. & D. no. 29418. Sample nos. 1539-A, 1540-A, 1542-A, 1551-A.)

This case was based on four interstate shipments of butter. Sample cartons taken from each of the lots were found to contain less than 1 pound, the declared weight. The product in three of the four lots was also found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On May 16, 1933, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John Austin Emigh, trading as the Shady Lawn Creamery Co., Walla Walla, Wash., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, in various consignments, on or about May 10, May 17, May 24, and May 27, 1932, from the State of Washington into the State of Oregon, of quantities of butter which was misbranded, and portions of which also were adulterated. The packages were labeled: "Shady Lawn Creamery Butter * * * One Pound Net Weight [or "Highland Creamery Butter * * * 1 Lb. Net Weight"] Shady Lawn Creamery Company, Walla Walla, Washington."

The information charged adulteration of three of the four shipments of butter, in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding of the said three lots was alleged for the reason that the statement, "Butter" on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, a product which should contain not less than 80 percent by weight of milk fat, as required by law; whereas it was not. Misbranding was alleged with respect to all lots for the reason that the statements, "One Pound Net Weight" or 1 Lb. Net Weight", were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the packages contained less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 7, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$110.

M. L. WILSON, *Acting Secretary of Agriculture.*

21141. Adulteration of butter. U. S. v. Alfred Richard Christensen (Junction City Creamery). Plea of guilty. Fine, \$10. (F. & D. no. 29425. Sample no. 1625-A.)

This case was based on a shipment of butter which was deficient in milk fat.

On May 26, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Alfred Richard Christensen, trading as Junction City Creamery, Junction City, Oreg., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about May 23, 1932, from the State of Oregon into the State of Washington, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

On May 26, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

21142. Adulteration and misbranding of grape jelly and strawberry and blackberry preserves. U. S. v. Wallace Roberts Canning Co. Plea of guilty. Fine, \$1. (F. & D. no. 27554. I. S. nos. 27899, 27983, 27987, 29943, 30723.)

This case was based on interstate shipments of a quantity of grape jelly which contained added pectin and of quantities of strawberry and blackberry preserves which contained a greater proportion of sugar than should be contained in pure preserves.

On April 7, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Wallace Roberts Canning Co., a corporation, Woodstown, N. J., alleging shipment by said company in violation of the Food and Drugs Act, on or about December 4, 1930 from the State of New Jersey into the State of Pennsylvania, of a quantity of grape jelly; on or about February 11, and April 10, 1931, from the State of New Jersey into the State of Delaware, of quantities of strawberry and blackberry preserves; and on or about March 5, 1931, from the State of New Jersey into the State of Pennsylvania, of quantities of strawberry and blackberry preserves, which said products were adulterated and misbranded. The articles were labeled in part: "Salem County Brand Pure Grape Jelly [or "Pure Strawberry Preserves"] Wallace Roberts Canning Company, Woodstown, N. J.;" "Salem County Pure Blackberry Preserves * * * Wallace Roberts Canning Co. Woodstown, N. J."

The information alleged that the grape jelly was adulterated in that a substance, pectin, had been substituted in part for pure grape jelly, which the article purported to be. Adulteration of the strawberry and blackberry preserves was alleged for the reason that a substance, sugar, had been mixed and packed with the articles so as to lower, and reduce, and injuriously affect their quality and strength; for the further reason that sugar had been substituted in part for pure strawberry and blackberry preserves, which the articles purported to be; and for the further reason that they were articles inferior to pure strawberry preserves and blackberry preserves, namely, products composed in part of excessive sugar, and had been mixed so as to simulate pure strawberry and blackberry preserves, and in a manner whereby their inferiority to strawberry and blackberry preserves was concealed.

Misbranding was alleged for the reason that the statements, "Pure Grape Jelly", "Pure Strawberry Preserves", and "Pure Blackberry Preserves", borne on the labels, were false and misleading and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since the statements represented that the articles consisted wholly of pure grape jelly, or pure strawberry or blackberry preserves; whereas the grape jelly consisted in part of added pectin and the preserves consisted in part of excessive sugar. Misbranding of the grape jelly was alleged for the further reason that the article was composed in part of added pectin, and was offered for sale and sold under the distinctive name of another article, pure grape jelly.

On May 26, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$1.

M. L. WILSON, *Acting Secretary of Agriculture.*

21143. Adulteration of cottonseed cake and misbranding of cottonseed meal. U. S. v. National Cottonseed Products Corporation. Plea of guilty. Fine, \$25. (F. & D. no. 28085. I. S. nos. 23813, 23814.)

This case was based on the interstate shipment of a lot of short-weight cottonseed meal and of a lot of weevil-infested cottonseed cake.

On September 14, 1932, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the National Cottonseed Products Corporation, trading at Morrillton, Ark., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about August 14, 1931, from the State of Arkansas into the State of Missouri, of a quantity of cottonseed meal which was misbranded, and on or about August 25, 1931, from the State of Arkansas into the State of Kansas, of a quantity of cottonseed cake which was adulterated. The meal was labeled in part: "Hayes Brand Cottonseed Meal * * * Net Weight 100 Pounds * * * Manufactured for Hayes Grain & Commission Company, Little Rock, Arkansas." The cake was labeled: "Cottonseed Cake * * * Distributed by Superior Cake & Meal Co. * * * Kansas City, Mo."

It was alleged in the information that the cottonseed cake was adulterated in that a weevil-infested product had been substituted in whole and in part for cottonseed cake which the article purported to be; and for the further reason that the article consisted in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding of the cottonseed meal was alleged for the reason that the statement "Net Weight 100 Pounds", borne on the tag, was false and mislead-

ing, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the sacks contained less than 100 pounds. Misbranding of the meal was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 27, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21144. Adulteration and misbranding of canned shrimp. U. S. v. 48 Cases, et al., of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. [F. & D. nos. 27820, 27937, 37960. I. S. nos. 41165, 53926, 53927. S. nos. 5925, 5972, 5973.]

These cases involved quantities of canned shrimp, a portion of which was short weight, and the remainder of which was in part decomposed.

On March 8, March 21, and March 28, 1932, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 109 cases of canned shrimp at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about January 21, 1932, by the Dorgan-McPhillips Packing Corporation, from Bayou Labatre, Ala., and charging that a portion of the article was adulterated in violation of the Food and Drugs Act and that the remainder was misbranded in violation of said act as amended. A portion of the article was labeled: "Marine Club Brand Large Wet Pack Shrimp Contents 5¼ oz. Packed for the Goddard Grocer Co., St. Louis, Mo." The remainder was labeled in part: "Miss America Brand Shrimp. * * * Packed by Dorgan McPhillips Packing Corp., Mobile, Ala."

It was alleged in the libel filed against the Miss America brand shrimp, that the article was adulterated in that it consisted in part of a decomposed animal substance.

Misbranding of the remaining lots was alleged for the reason that the statement "5¼ oz.", borne on the labels, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On May 26 and June 7, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21145. Adulteration and misbranding of jellies. U. S. v. Lutz & Schramm Co. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 27557. I. S. nos. 30586, 30587, 30589, 30591.)

This action was based on the interstate shipment of quantities of imitation jellies consisting of mixtures of water, sugar, tartaric acid, and small amounts of fruit juices, jellied by the addition of pectin. The articles did not possess the distinctive flavor of the fruits named on the labels.

On September 10, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Lutz & Schramm Co., a corporation, Pittsburgh, Pa., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 11, 1931, from the State of Pennsylvania into the State of Massachusetts, of quantities of jellies that were adulterated and misbranded. The articles were labeled in part: "Quakerlade Brand Fruit Pectin and Apple [or "Currant", "Plum", or "Strawberry"] Jelly Lutz & Schramm Co. Pittsburgh, Pa."

It was alleged in the information that the articles were adulterated in that mixtures of water, sugar, and tartaric acid, jellied by the addition of pectin, had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality and strength; for the further reason that imitations of apple, currant, plum, and strawberry jellies, i. e., mixtures of water, sugar, tartaric acid, and little, if any, fruit juices, jellied by the addition of pectin, had been substituted in whole and in part for the articles; and for the further reason that the articles were mixed so as to simulate the flavor of fruit pectin and apple (or plum, currant, or strawberry) jellies, and in a manner whereby their inferiority to said jellies was concealed.

Misbranding was alleged for the reason that the statements, "Fruit Pectin and Apple [or "Currant", "Plum", or "Strawberry"] Jelly", borne on the labels were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, in that the said statements represented that the articles consisted wholly of fruit pectin and apple, plum, currant, or strawberry jellies, whereas they did not so consist, but did consist in large part of water, sugar, and tartaric acid, jellied by the addition of pectin and contained little or no fruit. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale and sold under the distinctive names of other articles.

On May 25, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

21146. Adulteration and misbranding of preserves, and misbranding of jams. U. S. v. 16 Cases of Strawberry Preserves, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30049. Sample nos. 33515-A, 33516-A, 34946-A, 34947-A.)

This case involved strawberry and raspberry preserves that were deficient in fruit; also quantities of imitation jams. The strawberry preserves contained added water, and a part also contained added pectin and acid. The raspberry preserves contained added water, and a part also contained added pectin. The jams were not plainly and conspicuously labeled "Imitation." Sample jars taken from one of the lots of jams were found to contain less than 2 pounds, the labeled weight.

On April 5, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 63½ cases of strawberry and raspberry preserves and 8 cases of assorted jams at Trenton, N. J., alleging that the articles had been shipped in interstate commerce, between August 13, 1932 and February 11, 1933, by the Atlantic Food Products Co., from Philadelphia, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The preserves were labeled in part: "Nature's Best * * * Pure Strawberry [or "Raspberry"] Preserves Atlantic Food Products Co., Philadelphia." The jams were labeled in part: "Nature's Best 12 Ozs. Net [or "2 Lbs. Net Wt." or "40 Oz."] Imitation Apricot [or "Peach", "Pineapple", "Strawberry", or "Raspberry"] Jam * * * Packed by Atlantic Presv'g Co., Philadelphia."

It was alleged in the libel that the preserves were adulterated in that sugar and water, in the case of certain lots; sugar, water, and pectin, in the case of certain lots; and sugar, water, pectin, and acid, in the case of certain other lots; had been mixed and packed with the articles so as to reduce, lower, and injuriously affect their quality. Adulteration was alleged for the further reason that a mixture of fruit, sugar, and water in certain lots; a mixture of fruit, sugar, water, and pectin in a certain lot; and a mixture of fruit, sugar, water, pectin, and acid in certain lots, and containing less fruit than contained in preserves, had been substituted for pure strawberry or raspberry preserves. Adulteration of the said preserves was alleged for the further reason that they had been mixed in a manner whereby inferiority was concealed.

Misbranding of the said preserves was alleged for the reason that the statements on the labels, "Pure Strawberry" [Or "Raspberry"] Preserves", were false and misleading and deceived and misled the purchaser when applied to articles of the compositions disclosed. Misbranding of the preserves was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles.

Misbranding of the jams was alleged for the reason that they were labeled in such manner as to be false and misleading and so as to deceive and mislead the purchaser, since they were not plainly and conspicuously labeled as imitations because of the relative inconspicuousness of the word "imitation", in relation to the size of type in the name of the fruit on the label. Misbranding was alleged with respect to a portion of the jams for the further reason that the statement on the label, "2 lbs. Net Wt.", was false and misleading and deceived and misled the purchaser, and for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On May 12, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21147. Adulteration of sweet pickles. U. S. v. 87 Cases of Sweet Pickle Chunks and 187 Cases of Sweet Pickle Slices. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30000. Sample nos. 28568-A, 28569-A.)

This case involved quantities of sweet pickles that were found to be undergoing active fermentation and to be in part decomposed.

On March 25, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 274 cases of sweet pickles at Chicago, Ill., alleging that the article had been shipped on or about October 11 and October 17, 1932, by the Hickory Hills Orchards, of Trevlac, Ind., from Helmsburg, Ind., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed, filthy, and putrid vegetable substance.

On May 11, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21148. Adulteration and misbranding of candy (Orange Frolics). U. S. v. Joseph G. Dubin & Sons, Inc. Plea of guilty to counts 1 and 2 of information. Remaining counts dismissed. Fine, \$100. (F. & D. no. 30161. I. S. no. 48644.)

This action was based on an interstate shipment of hard candies called "Orange, Lime, Wild Cherry, or Lemon Frolics", which contained added undeclared tartaric acid, and no true fruit juices. The orange, lime, and wild cherry "Frolics" were also artificially colored.

On May 9, 1933, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Joseph G. Dubin & Sons, Inc., Brooklyn, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about December 19, 1931, from the State of New York into the State of Connecticut, of a quantity of candies that were adulterated and misbranded. Each package of the shipment contained a number of variously named candies labeled in part: "Orange [or "Lemon", "Lime", or "Wild Cherry"] Frolics, Jos. G. Dubin & Sons, Inc., Brooklyn, N. Y.", together with designs of oranges, lemons, limes, or wild cherries.

It was alleged in count 1 of the information that the pieces, labeled "Orange", were adulterated in that a substance, hard candy containing no orange juice but containing undeclared artificial color and tartaric acid, had been substituted for hard candy containing orange juice, which the article purported to be. Adulteration was alleged for the further reason that the article had been mixed and colored with undeclared tartaric acid and artificial color in a manner whereby its inferiority to candy containing orange juice was concealed.

Misbranding of the product labeled "Orange" was alleged in count 2 for the reason that the statement "Orange", together with the design of oranges borne on the wrappers, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement and design represented that the article contained orange juice in its composition, whereas it did not. Misbranding was alleged for the further reason that an article containing undeclared artificial color and tartaric acid and having no orange juice in its composition had been offered for sale under the distinctive name of another article, namely, orange. Adulteration and misbranding of the remaining products was charged in counts 3 to 8, inclusive, of the information.

On June 20, 1933, a plea of guilty to counts 1 and 2 of the information was entered on behalf of the defendant company, and the court imposed a fine of \$100. The remaining counts were dismissed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21149. Adulteration and misbranding of canned frozen eggs. U. S. v. Swift & Co. Plea of nolo contendere. Fine, \$200 and costs. (F. & D. no. 29353. I. S. nos. 52130, 52267.)

This case was based on an interstate shipment of canned frozen eggs which were found to contain excessive moisture.

On December 15, 1932, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Swift & Co., a corporation, trading at Keokuk, Iowa, alleging shipment by said company in violation of the Food and Drugs Act, on or about May 19, 1931, from the State of Iowa into the State of Michigan, of a quantity of canned frozen eggs which were adulterated and misbranded. The article was labeled in part: "Brookfield Frozen Whole Eggs Free from Adulterants * * * Swift & Company * * * Unadulterated—Nothing is added or taken away."

It was alleged in the information that the article was adulterated in that an added substance, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article.

Misbranding was alleged for the reason that the statements, "Frozen Eggs Whole Free from Adulterants * * * Unadulterated * * * Nothing is added", borne on the cans, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it was not composed solely of frozen whole eggs free from adulterants, it was not unadulterated, and was not an article to which nothing had been added, but was an adulterated article composed, in part of an added adulterant, water.

On May 3, 1933, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21150. Misbranding of corn meal. U. S. v. 30 Sacks and 60 Sacks of Meal. Default decree of condemnation, forfeiture, and sale. (F. & D. no. 30054. Sample nos. 33635-A, 33636-A.)

These cases involved shipments of corn meal, sample sacks of which were found to contain less than the weight declared on the label.

On April 5, 1933, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of thirty 24-pound sacks and sixty 10-pound sacks of corn meal at Natchez, Miss., alleging that the article had been shipped in interstate commerce, on or about March 21 and March 29, 1933, by Geisenberg & Friedler, from Ferriday, La., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Red Head Meal * * * 24-Lbs. Net [or "10-Lbs. Net.]."

It was alleged in the libel that the article was misbranded in that the statements, "24 Lbs." and "10 Lbs.", borne on the labels, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the sacks contained less than declared.

On May 17, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21151. Adulteration and misbranding of milk chocolate coating. U. S. v. Eatmor Chocolate Co. Tried to a jury. Verdict of guilty. Fine, \$200. (F. & D. no. 27539. I. S. no. 33951.)

This case was based on an interstate shipment of alleged milk chocolate coating which was found to consist of chocolate coating prepared with skim milk.

On April 28, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Eatmor Chocolate Co., Pittsburgh, Pa., alleging shipment by said company, in violation of the Food

and Drugs Act, on or about March 12, 1931, from the State of Pennsylvania into the State of New York, of a quantity of milk chocolate coating which was adulterated and misbranded. The article was labeled, imprint on cake) "Pennsylvania Chocolate Company Pittsburgh." and was invoiced "Golden Milk Chocolate Coating."

It was alleged in the information that the article was adulterated in that a product prepared with skim milk had been substituted for a product prepared with whole milk, which the article purported to be.

Misbranding was alleged for the reason that the article was a product containing skim milk, prepared in imitation of milk chocolate coating, and was offered for sale and sold under the distinctive name of another article, namely, milk chocolate coating.

On May 25, 1933, a plea of not guilty having been entered on behalf of the defendant company, the case came on for trial before the court and a jury. The trial was completed on May 26, 1933, on which date the jury returned a verdict of guilty on both counts of the information and the court imposed a fine of \$200 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21152. Adulteration of butter. U. S. v. Farmers Cooperative Creamery and Marketing Association. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 29423. Sample no. 11003-A.)

This case was based on a shipment of butter that was deficient in milk fat.

On February 11, 1933, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Farmers Cooperative Creamery & Marketing Association, a corporation, Boone, Iowa, alleging shipment by said defendant company, in violation of the Food and Drugs Act, on or about May 14, 1932, from the State of Iowa into the State of New York, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

On May 5, 1933, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21153. Adulteration of apples. U. S. v. 272 Boxes of Apples. Default decree of condemnation and destruction. (F. & D. no. 30086. Sample no. 31252-A.)

This case involved a shipment of apples that were found to bear arsenate of lead in an amount which might have rendered them injurious to health.

On March 7, 1933, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 272 boxes of apples at Missoula, Mont., alleging that the article had been shipped in interstate commerce, on or about February 17, 1933, by the Pacific Fruit & Produce Co., from Spokane, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Combination Extra Fancy & Fancy Delicious * * * Bulls Eye Grower Shipper C. M. Lockwood Opportunity, Wash."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenate of lead, in an amount which might have rendered it injurious to health.

On May 17, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21154. Misbranding of canned pears. U. S. v. 84 Cases and 19 Cases of Canned Pears. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 30094. Sample nos. 36095-A, 36096-A.)

This case involved an interstate shipment of canned pears which were water-packed, and which were not labeled to show that they fell below the standard for canned pears established by this Department.

On April 18, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 103 cases of canned pears at Denver, Colo., consigned by the Independent Grocers Alliance, alleging that the article had been shipped in interstate commerce on or about February 15, 1933, from Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Jordan [or "Chef"] Brand Pears."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because it consisted of water-packed pears, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On June 3, 1933, the J. S. Brown Mercantile Co., Denver, Colo., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21155. Adulteration of apple pomace. U. S. v. 348 Bags, et al., of Apple Pomace. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30360, 30432. Sample nos. 30586-A, 30587-A, 37566-A.)

These cases involved shipments of apple pomace found to contain arsenic and lead in amounts which might have rendered it injurious to health.

On April 28 and May 8, 1933, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 868 bags of apple pomace at Baltimore, Md., alleging that the article had been shipped in interstate commerce from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act. The libels charged that the shipments had been made from Portland, Oreg., that one shipment had been made in the name of Jones Bros. & Co., on or about October 24, 1932; that one had been made in the name of the Jones Bros. Co., Division of the Speas Manufacturing Co., on or about December 10, 1932; and that one shipment had been made in the name of the Speas Manufacturing Co., on or about February 13, 1933.

It was alleged in the libels that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On June 2, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21156. Adulteration of butter. U. S. v. Knoxville Cooperative Creamery. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 30180. Sample no. 11877-A.)

This action was based on an interstate shipment of butter, samples of which were found to be deficient in milk fat, since they contained less than 80 percent by weight of milk fat, the standard provided by act of Congress.

On May 20, 1933, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Knoxville Cooperative Creamery, a corporation, Knoxville, Iowa, alleging shipment by said company, on or about June 23, 1932, in violation of the Food and Drugs Act, from the State of Iowa into the State of New York, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product that should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923.

On May 31, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21157. Adulteration and misbranding of preserves and jelly. U. S. v. 10 Cases of Assorted Preserves, et al. Decrees of condemnation and destruction. (F. & D. nos. 30123, 30351, 30471. Sample nos. 38087-A to 38092-A, incl., 38094-A, 38095-A, 38179-A to 38182-A, incl., 38188-A to 38194-A, incl.)

These cases involved shipments of various preserves and one lot of cranberry jelly. With the exception of the blackberry and pineapple and portions of the cherry and raspberry, the preserves contained insufficient fruit to be designated as preserves. Some of the products that were deficient in fruit contained added pectin and water. Shortages in weight were found in the cranberry jelly, the blackberry and pineapple preserves, and many of the other products. One lot of strawberry preserves was packed in jars containing slightly over 30 ounces and was labeled, "Net Weight 12 Ozs."

On April 22, April 25, and May 15, 1933, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 34½ cases of various preserves and 14 cases of cranberry jelly, at Atlantic City, N. J., alleging that the article had been shipped in interstate commerce, between November 1, 1932 and April 15, 1933, by P. Herold & Sons, Inc., from Philadelphia, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: (Jar) "Kulp's Pure Jelly Cranberry Contents 18 Ounces"; "Kulp's Pure Preserves * * * Blackberry [or Strawberry]", "Red Raspberry", "Cherry", "Peach", or "Pineapple"] Net Weight 16 Ozs. [or "Net Weight 32 Ozs."] Kulp Preserving Co., Philadelphia, Pa."

It was alleged in the libels that portions of the cherry, strawberry, and peach preserves were adulterated in that excess sugar had been mixed and packed with the articles so as to lower and injuriously affect their quality and strength. Adulteration of the strawberry, peach, and portions of the raspberry and cherry, was alleged for the reason that mixtures of fruit and sugar, with added pectin and water in certain of the lots, and containing less fruit than contained in preserves, had been substituted for the articles, and for the further reason that the said articles had been mixed in a manner whereby inferiority was concealed.

Misbranding of the strawberry and peach, and portions of the cherry and raspberry was alleged for the reason that the statements on the labels "Pure Strawberry" [or "Red Raspberry", "Cherry", or "Peach"] Preserves", were false and misleading and deceived and misled the purchaser, and for the further reason that the articles were offered for sale under the distinctive names of other articles. Misbranding of the cranberry jelly, the blackberry, pineapple, and peach preserves, and portions of the cherry, raspberry, and strawberry preserves was alleged for the further reason that the statements on the labels, "Contents 18 Ounces", "Net Weight 16 Ozs.", or "Net Weight 32 Ozs.", were false and misleading and deceived and misled the purchaser, since the jars contained less than declared; and for the further reason that the articles were in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements made were incorrect. Misbranding of the portion of the strawberry preserves in jars containing approximately 30 ounces and labeled, "Net Weight 12 ozs.", was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements made were not correct.

On June 15, 1933, default was entered in the case instituted against 14 cases of cranberry jelly and 5 cases of preserves and the court ordered the products condemned and destroyed. On June 24, 1933, P. Herold & Sons, Philadelphia, Pa., having withdrawn claims which had been entered in the two other cases, and having consented to the entry of decrees, judgments were entered condemning the remaining products and ordering that they be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21158. Misbranding of orange juice. U. S. v. 28 Cases of Orange Juice. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 30356, 30357. Sample nos. 42004-A, 42005-A.)

This case involved shipments of orange juice, sample cans of which were found to contain less than the declared volume.

On April 29, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 cases of orange juice at Denver,

Colo., a portion of which had been consigned by A. H. Baker, Anaheim, Calif., and the remainder of which had been consigned by the Dyson Shipping Co., San Francisco, Calif. It was alleged in the libel that the article had been shipped in interstate commerce; that the shipment from Anaheim had been made on or about December 3, 1932, that the shipment from San Francisco had been made on or about December 29, 1932, and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Hanson's Valencia Orange Juice Net Contents 1 Gallon [or "Net Contents 6½ Pints", "Net Contents 100 Oz.", or "Net Contents ½ Gallon"]."

It was alleged in the libel that the article was misbranded in that the statements on the labels, "1 Gallon", "6½ Pints", "100 oz.", or "½ Gallon", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements made were incorrect.

On June 5, 1933, the J. B. Morris Brokerage Co., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21159. Misbranding of onions. U. S. v. 510 Sacks of Onions. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30433. Sample no. 35606-A.)

This case involved a shipment of onions, sample sacks of which were found to contain less than 50 pounds, the declared weight.

On May 8, 1933, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 510 sacks of onions at Washington, D. C., alleging that the article had been shipped on or about May 1, 1933, by the C. E. Coleman Produce Co., from Corpus Christi, Tex., into the District of Columbia, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Netpac Bag 50 Lbs. Net Texas Bermuda Onions."

It was alleged in the libel that the article was misbranded in that the statement on the label, "50 Lbs. Net", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On May 10, 1933, the C. E. Coleman Produce Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon the payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be disposed of contrary to the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

21160. Misbranding of potatoes. U. S. v. 1 Carload of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30415. Sample no. 33695-A.)

This case involved a shipment of potatoes, sample sacks of which were found to contain less than 50 pounds, the weight declared on the label.

On or about May 6, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one carload of potatoes at Chicago, Ill., alleging that the article had been shipped in interstate commerce on April 26, 1933, by C. B. Mitchell, from Rio Hondo, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "50 Lbs. Net Weight When Packed Texas Labonita Blue Goose Brand New Triumph Potatoes. Packed and Shipped by American Fruit Growers, Inc."

It was alleged in the libel that the article was misbranded in that the statement on the label, "50 Lbs. Net Weight When Packed", was false and

misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On May 9, 1933, the American Fruit Growers, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that the sacks be filled to the declared weight.

M. L. WILSON, *Acting Secretary of Agriculture.*

21161. Misbranding of canned raspberries. U. S. v. 49 Cases of Black Raspberries. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 30408. Sample no. 32269-A.)

This case involved a shipment of canned black raspberries, sample cans of which were found to contain less than the weight declared on the label.

On May 4, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 cases of canned black raspberries at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about February 9, 1933, by Hunt Bros. Packing Co., from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "White Top Brand Black Raspberries Contents 6 Lbs. 7 Oz. R. C. Williams & Co., Inc., Distributors, New York."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 6 Lbs. 7 Ozs.", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

R. C. Williams & Co., Inc., New York, interposed a claim as agent for Hunt Bros. Packing Co., owner, admitted the allegations of the libel, and consented to the entry of a decree. On June 19, 1933, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned that it be relabeled in part: "Contents 6 pounds 3 ounces."

M. L. WILSON, *Acting Secretary of Agriculture.*

21162. Misbranding of candies (Tootsie Pops). U. S. v. Sweets Co. of America, Inc. Plea of guilty. Fine, \$150. (F. & D. no. 30177. I. S. no. 42529.)

This case was based on an interstate shipment of variously flavored candies; two flavors, grape and raspberry, respectively, were found to contain added undeclared acid and artificial flavor and color, with little or no fruit present.

On May 22, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sweets Co. of America, Inc., trading at New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 2, 1931, from the State of New York into the State of Connecticut, of quantities of candies that were misbranded. The articles were labeled in part: (Wrapper) "Grape [or "Raspberry"] Tootsie Pops * * * Sweets Co. of America, New York"; (carton) "Tootsie Pops * * * Raspberry. Grape."

It was alleged in the information that the article was misbranded in that the statements, "Grape" or "Raspberry", borne on the cartons and wrappers, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since the statements represented that the articles were candies and grape or raspberry only, with a sufficient amount of the fruits to give them the distinctive flavors of grape and raspberry, whereas they contained but a slight and negligible amount of grape or raspberry, if any, and contained added undeclared acid and arti-

ficial flavor and color. Misbranding was alleged for the further reason that the articles were imitations of other articles, grape-flavored candy and raspberry-flavored candy.

On June 12, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

M. L. WILSON, *Acting Secretary of Agriculture.*

21163. Adulteration of apples. U. S. v. 98 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 30491. Sample no. 35879-A.)

This case involved the interstate shipment of a quantity of apples, bearing lead in an amount which might have rendered them injurious to health.

On April 14, 1933, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 98 bushels of apples at Lincoln, Nebr., alleging that the article had been shipped on or about March 31, 1933, by Quick & Harris, from Yakima, Wash., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On May 16, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21164. Misbranding of olive oil. U. S. v. 101 Cans of Olive Oil. Default decree of destruction. (F. & D. nos. 30120, 30121. Sample nos. 36106-A, 36110-A.)

These cases involved a shipment of olive oil, sample cans of which were found to contain less than 1 gallon, the declared volume.

On April 20, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 101 cans of olive oil, in part at Price, Utah, and in part at Helper, Utah, alleging that the article had been shipped in interstate commerce on or about March 28, 1933, by Mallars & Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Contents One Gallon Athlete Brand Pure Olive Oil Mallars & Company. Chicago."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents One Gallon", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On June 24, 1933, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21165. Misbranding of ground ginger. U. S. v. 1 Gross Cans of Ground Ginger. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30503. Sample no. 41802-A.)

This case involved an interstate shipment of a quantity of ground ginger, samples of which were found to be short weight.

On May 23, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one gross cans of ground ginger at Atlantic City, N. J., alleging that the article had been shipped on or about March 15, 1933, by H. L. Caplan & Co., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Manischewitz's Pure Ground Ginger * * * Packed for the M. Manischewitz Co. New York 1½ Oz. Net Wgt."

It was alleged in the libel that the article was misbranded in that the statement on the label, "1½ Oz. Net Wgt.", was false and misleading and deceived and misled the purchaser, since the net weight of each can was less

than 1½ ounces. Misbranding was alleged for the further reason that the product was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On June 28, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21166. Adulteration and misbranding of rice. U. S. v. 300 Bags of Rice. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 30453. Sample no. 23337-A.)

This case involved an interstate shipment of rice which was labeled "Extra Fancy", and which was of lower grade than Extra Fancy rice.

On May 9, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 bags of rice at Portland, Oreg., alleging that the article had been shipped in interstate commerce, on or about May 4, 1933, by the C. E. Grosjean Rice Milling Co., from San Francisco, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Extra Fancy T [in diamond] Rice Grown in California."

It was alleged in the libel that the article was adulterated in that rice below the grade specified on the label had been substituted for the article.

Misbranding was alleged for the reason that the statement on the label, "Extra Fancy", was false and misleading and deceived and misled the purchaser.

On May 27, 1933, the Teikoku Co., Portland, Oreg., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled in manner satisfactory to this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21167. Adulteration of apples. U. S. v. 125 Boxes of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30490. Sample no. 35419-A.)

This case involved an interstate shipment of apples bearing arsenic and lead in amounts which might have rendered them injurious to health.

On April 28, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 125 boxes of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 14, 1933, by the C. M. Holtzinger Fruit Co., from Yakima, Wash., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered it injurious to health.

On June 16, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21168. Adulteration of apples. U. S. v. 57 Crates and 25 Crates of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30013. Sample nos. 28747-A, 28748-A.)

This case involved the interstate shipment of quantities of apples found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On February 6, 1933, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 82 crates of apples at Hammond, Ind., alleging that the article had been shipped in interstate

commerce, on or about January 26, 1933, by Paul Pervowar, from Ganges, Mich., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On June 1, 1933, no claimant having appeared for the property, and the court having found that the product was in a decayed condition and could not be salvaged, judgment of condemnation and forfeiture was entered, and it was ordered that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21169. Adulteration of canned shrimp. U. S. v. 150 Cases and 1,000 Cases of Canned Shrimp. Consent decree of condemnation entered. Product released under bond for separation and destruction of unfit portion. (F. & D. nos. 29800, 30796. Sample nos. 27900-A, 32068-A.)

These cases involved two interstate shipments of canned shrimp. Samples taken from the shipments showed that the article was in part decomposed.

On February 4, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 cases of canned shrimp at San Francisco, Calif. On August 2, 1933, a libel was filed in the Northern District of New York against 1,000 cases of the same product at Syracuse, N. Y. It was alleged in the libels that the article had been shipped in interstate commerce, the former on or about November 4, 1932, and the latter on or about July 10, 1933, that the shipments had been made by the C. B. Foster Packing Co., from Biloxi, Miss., and that the article was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Miss Lou Brand * * * Shrimp, Packed by C. B. Foster Packing Co., Inc. Biloxi, Miss."

The libels charged that the article was adulterated in that it consisted in part of a decomposed animal substance.

The C. B. Foster Packing Co. appeared as claimant in both cases, admitted the allegations of the libels, and consented to the entry of decrees. On May 4, 1933, judgment of condemnation and forfeiture was entered in the Northern District of California, and on August 22, 1933, the product seized in the Northern District of New York also was condemned and forfeited. The decrees provided, however, that the product might be released to the claimant upon payment of costs and the execution of bonds, conditioned that all portions found to be unfit for human consumption be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21170. Alleged adulteration and misbranding of cheese. U. S. v. Frank F. Marquardt (F. F. Marquardt). Plea of guilty. Case ordered dismissed. (F. & D. no. 29518. Sample nos. 8076-A, 8078-A, 8080-A.)

On May 20, 1933, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Frank F. Marquardt, trading as F. F. Marquardt, Stratford, Wis., charging shipment by said defendant in violation of the Food and Drugs Act, on or about May 6, 1932, from the State of Wisconsin into the State of Pennsylvania, of a quantity of cheese that was alleged to be adulterated and misbranded.

The information charged that the article was adulterated in that a substance, namely, an excessive proportion of moisture, i. e., water in excess of 39 percent, had been substituted in part for the article.

The information further charged that the article was misbranded in that the statements, "Dept. of Agriculture Wisconsin State Brand" and "Dept. of Agr. & Markets Wisconsin State Brand", borne on the boxes and cheese, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented that it was cheese complying with a Wisconsin State standard and grade for American cheese, i. e., that it was cheese containing not more than 39 percent of moisture, whereas it did not comply with such standard, since it contained more than 39 percent of moisture.

On June 20, 1933, the defendant entered a plea of guilty to the information and the court ordered that the case be dismissed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21171. Adulteration of apple pomace. U. S. v. 627 Bags, et al., of Apple Pomace. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30117, 30118, 30119, 30430. Sample nos. 28580-A, 28582-A, 28587-A, 28620-A.)

These cases involved quantities of apple pomace found to contain arsenic and lead in amounts that might have rendered it injurious to health.

On April 21 and May 8, 1933, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,291 bags of apple pomace at Chicago, Ill., alleging that the article had been shipped in interstate commerce, between the dates of January 27, 1932, and March 31, 1933, by the John C. Morgan Co., from Traverse City, Mich., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On June 15 and July 7, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21172. Adulteration of dried split prunes. U. S. v. Paulus Bros. Packing Co. Plea of guilty. Fine, \$50. (F. & D. no. 30133. Sample nos. 1405-A, 1406-A.)

This case was based on an interstate shipment of prunes that were found to be in part decayed and filthy.

On June 20, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Paulus Bros. Packing Co., a corporation, Salem, Oreg., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 23, 1932, from the State of Oregon into the State of New York, of a quantity of dried split prunes that were adulterated.

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy, decomposed, and putrid vegetable substance.

On June 20, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

21173. Misbranding of canned peas. U. S. v. 210 Cases of Canned Peas. Decree of condemnation entered. Product released under bond. (F. & D. no. 30056. Sample no. 38033-A.)

This case involved an interstate shipment of canned peas that contained an excessive amount of hard peas not labeled to indicate that they were substandard.

On April 5, 1933, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 210 cases of canned peas at Wilmington, Del., alleging that the article had been shipped in interstate commerce, on or about February 22, 1933, by Phillips Sales Co., Inc., from Cambridge, Md., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Absco Brand Early June Peas * * * Phillips Sales Co. Inc. Cambridge, Maryland, U. S. A. Distributors."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because of the presence of an excessive amount of hard peas, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On June 7, 1933, the Phillips Packing Co. Inc., Cambridge, Md., having appeared as claimant for the property and having paid costs of the proceedings, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant under bond in the sum of \$224.25, conditioned that it should not be sold or otherwise disposed of contrary to the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

21174. Adulteration of apples. U. S. v. 297 Boxes and 35 Boxes of Apples. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30438, 30487. Sample nos. 27913-A, 27915-A.)

These cases involved shipments of apples found to bear arsenic and lead in amounts which might have rendered them injurious to health.

On April 10 and April 17, 1933, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 332 boxes of apples at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about March 27, 1933, by Skookum Packers Association, from Wenatchee, Wash., and charging adulteration in violation of the Food and Drugs Act. The articles was labeled in part: "Skookum Fancy Mountain Goat Brand Wenatchee Apples Grown, Packed and Shipped by Wenatchee Skookum Growers Wenatchee, Wash."

It was alleged in the libels that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On May 3, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21175. Adulteration of evaporated apple chops. U. S. v. 477 Bags of Evaporated Apple Chops. Product released under bond. Subsequent order of condemnation and destruction entered. (F. & D. no. 29854. Sample no. 26993-A.)

This case involved an interstate shipment of evaporated apple chops which were in part insect-infested and filthy.

On February 14, 1933, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 477 bags of evaporated apple chops at Orrville, Ohio, alleging that the article had been shipped in interstate commerce, on or about January 13, 1933, by the Battletown Fruit Co., from Staunton, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

The Battletown Fruit Co., Staunton, Va., entered an appearance and admitted the allegations of the libel, consented to the entry of a decree, and prayed release of the product under bond. On May 2, 1933, an order was entered permitting release of the goods to the claimant under bond in the sum of \$1,200, conditioned that it be brought into compliance with the law under the supervision of this Department. On October 14, 1933, the claimant having been unable to comply with the terms of the bond, judgment of condemnation was entered and it was ordered by the court that the product be destroyed and the bond canceled.

M. L. WILSON, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 21001-21175

Apple butter:	N.J. No.	Cherries, canned—Continued.	N.J. No.
Boone Products Corporation	21079	Otoe Food Products Co.	21065
Goodwin Preserving Co.	21013	Perry Canning Co.	21103
Lippincott Co.	21079	Ray-Maling Co.	21043
National Fruit Product Co.	21077	Webster Canning and Preserv-	
Scully, D. B., Syrup Co.	21074	ing Co.	21102, 21134
chops:		Western Oregon Packing Cor-	
Battletown Fruit Co.	21002,	poration	21113
	21125, 21175	Zion Wholesale Grocery Co.	21025
DeHoff & Gaylord	21059	dried:	
pomace:		Fusco, Joseph	21100
Duffy-Mott Co., Inc.	21067	Cherry extract. See Flavors.	
Jones Bros. & Co.	21155	Chocolate, milk, coating:	
Morgan, John C. Co.	21171	Eatmor Chocolate Co.	21151
Speas Manufacturing Co.	21155	Corn, canned:	
Watson Industries, Inc.	21096	Princeville Canning Co.	21073
Apples:		meal:	
American Fruit Co.	21068	Geisenberg & Friedler	21150
Bradley, C. L.	21041	Cottonseed cake. See Feed.	
Cole, J. T.	21045	meal. See Feed.	
Dee, Dewey	21063	screenings. See Feed.	
Dee, Wilmer	21063	Dairy products:	
Denison, H. S., & Co.	21062	butter:	
Gahringer Nicholson, Inc.	21091	Armour & Co.	21085
Hammond Fruit Co.	21010	Armour Creamery Co.	21085
Heidema, George	21035	Barnum, W. W.	21115
Herman Ranch	21038, 21090	Beatrice Creamery Co.	21044
Holtzinger, C. M., Fruit Co.	21167	Boone Dairy, Inc.	21088
House, E. H.	21028	Casperson, O., & Sons	21032
Lockwood, C. M.	21153	Christensen, A. R.	21141
Lombardo, Tony	21120	Cudahy Packing Co.	21083
McMillan & Fox, Inc.	21007	Danville Creamery Associa-	
Matson & Co.	21093	tion	21030
Nelson, Ray	21038	Des Moines Cooperative Dairy	
Northwestern Fruit Ex-		Marketing Assoc., Inc.	21109
change	21068	Elephant Butte Dairy	
Pacific Fruit & Produce Co.	21027,	League	21005
	21041, 21153	Elsass, A. E.	21083
Paxton, J. R.	21017	Elsass, C. E.	21083
Pennington & Co.	21007	Elsass' Creamery	21083
Pervowar, Paul	21168	Elsass, L. E.	21083
Roche, W. E., Fruit Co.	21097,	Elsass, O. W.	21083
	21126	Elsass, W. H.	21083
Quick & Harris	21163	Emigh, J. A.	21140
Schaeffer, C. F., Co.	21038,	Farmers Cooperative Cream-	
	21090, 21094	ery Co.	21076
Skookum Growers	21062	Farmers Cooperative Cream-	
Skookum Packers Assoc.	21174	ery & Marketing Associa-	
Smith, C. C., Fruit Co.	21139	tion	21152
Wenatchee Federated Grow-		Finke Creamery Co.	21098
ers	21045	Goble, M. R.	21106
Wenatchee Okanogon Corpo-		Goble, S. A.	21106
ration	21095	Gray County Creamery	21006
Wenatchee Skookum Grow-		Gustafson, A. S.	21101
ers	21174	Gustafson Bros. Dairy Co.	21036
Yakima Fruit & Cold Storage		Gustafson, R. V.	21036
Co.	21139	Henriette Creamery Co.	21101
evaporated:		Junction City Creamery	21141
Bever, J. R. Co.	21114	Knoxville Cooperative Cream-	
Butter. See Dairy products.		ery	21156
Buttermilk feed. See Feed.		Linwood Dairy & Creamery	
Candy:		Co.	21106
Battle Creek Food Co.	21104	McKean County Creamery	21115
Dubin, Joseph G., & Sons,		Marty Creamery Co.	21086
Inc.	21148	Merchants Creamery Co.,	
McGregor Toffee Co.	21048	Inc.	21015
Mars, Inc.	21050	Mount Angel Cooperative	
Sweets Co. of America, Inc.	21162	Creamery	21061
chocolate:		Perry Bros.	21018
Walker Candy, Inc.	21127	Pocock, J. H.	21031
pineapple jellies:		Sentinel Creamery	21011
Dubin, Joseph G., & Sons,		Shady Lawn Creamery Co.	21140
Inc.	21066	Springfield Creamery Co.	21118
Cheese. See Dairy products.		Sugar Creek Creamery Co.	21080
Cherries, canned:		Twin City Creamery Co.	21111
Brownsville Canning Co.	21113	Washington Creamery Co.	21075
Kaysville Canning Corpora-		Western Creamery Co.	21047
tion	21025		

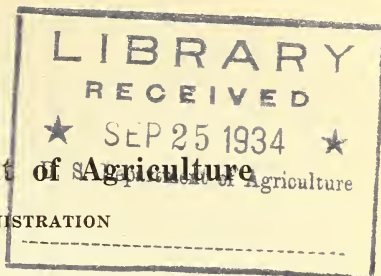
Dairy products—Continued.	N.J. No.
butter—continued.	
Western Meat Co.....	21051
Wing Coffee Co.....	21032
Yerington Creamery.....	21051
Yerington Creamery Co.....	21051
cheese:	
Marquardt, F. F.....	21170
Marty, Carl, & Co.....	21087
Egg yolk:	
Frigid Food Products, Inc....	21133
Eggs:	
Cockrell, Earl.....	21046
frozen:	
Frigid Food Products, Inc....	21133
Swift & Co.....	21149
mixed:	
Belle Springs Creamery Co....	21020
Extracts. See Flavors.	
Feed:	
buttermilk, dried:	
Slugg, W. G.....	21081
cottonseed cake:	
National Cottonseed Products Corp.....	21143
Southland Cotton Oil Co.....	21119
Standard Cake & Meal Co.....	21034
Superior Cake & Meal Co.....	21034
and meal:	
Anadarko Cotton Oil Mill.....	21084
Chickasha Cotton Oil Co.....	21084
Davis, S. P.....	21136
Hayes Grain & Commission Co.....	21136
Interstate Feed Co.....	21119
Rotan Cotton Oil Mill Co.....	21029
Southland Cotton Oil Co.....	21037
Standard Cake & Meal Co.....	21034
meal:	
Hayes Grain & Commission Co.....	21143
National Cottonseed Products Corp.....	21143
Southland Cotton Oil Co.....	21119
Superior Cake & Meal Co.....	21034
Sweetwater Cotton Oil Co.....	21124
Swift & Co.....	21136
and screenings:	
Davis, S. P.....	21136
Hayes Grain & Commission Co.....	21136
screenings:	
Anadarko Cotton Oil Mill.....	21084
Chickasha Cotton Oil Co.....	21084
Southland Cotton Oil Co.....	21119
Swift & Co.....	21136
shorts, brown wheat:	
Model Mill Co.....	21042
gray, with wheat screenings:	
Larabee Flour Mills Co.....	21040
Figs:	
American Factors, Ltd.....	21023
Beban, A.....	21023
Consolidated Packing Co.....	21069
Giebel, H. J.....	21024
Giebel's Fig Gardens.....	21024
Fish:	
salmon, canned:	
Alaska Packers Association....	21129
Buelow, C. F. Co.....	21108
Copper River Packing Co.....	21022
Cotter, R. E., Co.....	21130
Haas, Baruch & Co.....	21099
Hamlin, E. H., Co.....	21130
Independent Grocers Alliance Distributing Co.....	21130
Kadiak Fisheries Co.....	21130
Libby, McNeill & Libby.....	21053
McGovern & McGovern.....	21122
Oceanic Sales Co.....	21021
Pioneer Packing Co.....	21099
tuna, canned:	
Hunt Bros. Packing Co.....	21128
Westgate Sea Products Co.....	21128

Flavors:	N.J. No.
extract, cherry:	
Hickok, B. N.....	21019
Hickok, John N., & Son.....	21019
Honan, D. J.....	21019
grape:	
Hickok, B. N.....	21019
Hickok, John N., & Son.....	21019
Honan, D. J.....	21019
strawberry:	
Hollywood Products Co., Ltd....	21001
Sierra Club Beverage Co., Inc.....	21001
vanilla:	
Yerkes Chemical Co.....	21123
Flour:	
Beatrice Mills.....	21012
Larabee Flour Mills Co.....	21078
Savage, M. W., Factories, Inc.....	21078
Ginger, ground:	
Caplan, H. L., & Co.....	21165
Manischewitz, M., Co.....	21165
Grape extract. See Flavors.	
Grapes, dried:	
Lion Packing Co.....	21003
Jam:	
Atlantic Food Products Co.....	21146
Atlantic Preserving Co.....	21146
Jelly:	
Herold, P., & Sons, Inc.....	21157
Kulp Preserving Co.....	21157
Lutz & Schramm Co.....	21145
Roberts, Wallace, Canning Co.....	21142
Waynesboro Fruit Exchange.....	21071
Nuts, Brazil:	
Higgins, William A., Co.....	21112
Oil, olive:	
Buoncore, Vincent.....	21057
Mallars & Co.....	21164
salad:	
Buoncore, Vincent.....	21057
Onions:	
Coleman, C. E., Produce Co....	21159
Orange juice:	
Baker, H. A.....	21158
Dyson Shipping Co.....	21158
Oysters. See Shellfish.	
Paprika:	
Hudson Tea & Spice Co., Inc....	21132
Peaches, canned:	
Howard Terminal.....	21092
dried:	
California Peach & Fig Growers Assoc.....	21052
California Prune & Apricot Growers Assoc.....	21052
Pears, canned:	
Bercut Richards Packing Co....	21089
Independent Grocers Alliance.....	21154
Ray-Maling Co., Inc.....	21089
Starr Fruit Products Co.....	21089
Western Oregon Packing Corp.....	21082
dried:	
Rosenberg Bros.....	21049
Peas, canned:	
Phillips Sales Co., Inc.....	21173
Sisk, A. W., & Son.....	21116
Pepper, black:	
Hudson Tea & Spice Co., Inc....	21132
Pickles, sweet:	
Hickory Hills Orchards.....	21147
Potatoes:	
Alexander Marketing Co.....	21056
American Fruit Growers, Inc....	21160
Mitchell, C. B.....	21160
Muir, E. O., & Co.....	21039
Terrebonne Cooperative Assoc.....	21053
Utah Fruit & Vegetable Growers, Inc.....	21039
Wiederstein, Erwin.....	21055

	N.J. No.		N.J. No.
Poultry, dressed:		Shellfish—Continued.	
Andersen, Joseph-----	21004	shrimp, canned—continued.	
Bradley, Fred-----	21004	Foster, C. B., Packing Co.,	
Edmonds, C. C-----	21004	Inc-----	21169
Hoopes, J. W-----	21004	Goddard Grocery Co-----	21144
Johnston, J. A-----	21004	Indian Ridge Canning Co-----	21008
Strong, H. L-----	21004	Louisiana Packing Co-----	21117
Utah Poultry Producers Co-			
operative Assoc-----	21004	Shorts. See Feed.	
Preserves:		Shrimp. See Shellfish.	
Atlantic Food Products Co--	21146	Strawberry extract. See Flavors.	
Ewing, F. G., Co-----	21070	Tomato catsup:	
Herold, P., & Sons, Inc-----	21157	Perry Canning Co-----	21110
Kulp Preserving Co-----	21157	Summit Packing Co-----	21033
Roberts, Wallace, Canning			
Co-----	21142	juice:	
Prunes, dried split:		Embassy Grocery Corp-----	21137
Paulus Bros. Packing Co-----	21172	Hurff, E. F-----	21137
Raspberries, canned:		Leggett, Francis H., & Co-----	21072
Hunt Bros., Packing Co-----	21161	Twitchell-Champlin Co-----	21137
Williams, R. C., & Co., Inc--	21161		
Rice:		paste:	
Grosjean, C. E., Rice Milling		Favaloro, F. G., Sons, Inc.--	21135
Co-----	21166	Uddo-Taormina Corporation--	21121
Salmon. See Fish.		Tomatoes, canned:	
Shellfish:		Bolton, F. D-----	21107
oysters:		Harris, A. J-----	21026
Bayles, J. W-----	21131	Vanilla flavor. See Flavors.	
Bayles, S. A-----	21131	Vermicelli:	
Oyster Bay Oyster Co-----	21131	San Diego Macaroni Manufac-	
shrimp, canned:		turing Co-----	21014
Biloxi Canning & Packing Co.,			
Inc-----	21016	Vinegar:	
Dorgan-McPhillips Packing		Gilmore, J. W., & Co-----	21105
Corp-----	21144	Hollwedel, H. D-----	21009
		Mathes, W. E., Vinegar Co.--	21009
		Washington Food Products--	21060
		Western Cider Vinegar Co-----	21105

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION



NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

21176-21250

[Approved by the Acting Secretary of Agriculture, Washington, D.C., August 7, 1934]

21176. Misbranding of Sodium Perborate. U. S. v. 17 2/3 Dozen Packages, et al., of Sodium Perborate Flavored. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30033, 30059, 30066, 30090, 30650. Sample nos. 17333-A, 17337-A, 25799-A, 29831-A, 37324-A.)

These cases involved several interstate shipments of sodium perborate, the labeling of which bore unwarranted curative and therapeutic claims. It also was claimed for the article in the labeling that it was an antiseptic mouth wash; whereas it was not an antiseptic when used as a mouth wash.

On April 5, April 6, and April 12, 1933, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 69 1/4 dozen large and small packages of sodium perborate at Los Angeles, Calif. On April 8, 1933, a libel was filed in the District of Oregon against 22 small cans and 35 large cans of sodium perborate at Portland, Oreg., and on June 21, 1933, a libel was filed in the Western District of Washington against 72 large and 207 small cans of sodium perborate at Seattle, Wash. It was alleged in the libels that the article had been shipped in interstate commerce between November 29, 1932 and March 7, 1933, by the American Pharmaceutical Co., Inc., from New York, N.Y., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of sodium perborate flavored with spearmint oil. Bacteriological examination showed that the product was not antiseptic when used as a mouth wash.

The libels alleged that the article was misbranded in that the following statements appearing in the labeling were false and misleading, since the article would not be effective as an antiseptic mouth wash when used as directed: "Antiseptic Mouth Wash * * * Approved antiseptic for a daily mouth wash, * * * one teaspoonful of sodium perborate 'A.P.C.' in a glass of warm water." Misbranding was alleged for the further reason that the following statements on the label, regarding the curative or therapeutic effects of the article, were false and fraudulent: "Recommended as a Prophylactic for the Teeth and Gums, helpful in the treatment of Pyorrhea, Trench Mouth, and Gingivitis * * * especially helpful in cases of sore or infected gums."

No claimant appeared for the property. On July 3, 1933, judgments of condemnation and forfeiture were entered in the cases instituted in the Southern District of California, and it was ordered by the court that the product be destroyed by the United States marshal. On July 26 and September 22, 1933, the product seized in the District of Oregon and the Western District of Washington, respectively, was also ordered condemned and destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

21177. Misbranding of Dennos Food. U. S. v. 70 Small Cans, et al., of Dennos Food. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30698. Sample nos. 23378-A, 23379-A.)

This case involved an interstate shipment of a product known as Dennos Food, the labeling of which bore unwarranted curative and therapeutic claims. The labeling of the article also bore false and misleading claims that it would make cow's milk digestible and supply the body with vitamins.

On July 7, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 104 small cans and 22 large cans of Dennos Food at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about June 17, 1933, by the Dennos Food Co., from Portland, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of wheat flour, bran, and sugar.

It was alleged in the libel that the article was misbranded in that the statements in the labeling, (can) "Dennos makes cow's milk digestible" and (circular) "Dennos * * * a food which supplies the body with vitamins", were false and misleading, since the article did not possess these functions. Misbranding was alleged for the further reason that the following are statements regarding the curative or therapeutic effects of the article and were false and fraudulent: (Can label, large and small size) "Plain milk often causes distress and indigestion, * * * Dennos * * * gives the weak stomach a feeling of great comfort. * * * which build up health for adults, and strong bones, firm flesh, and good teeth for babies"; (can label, large and small size) "Plain milk often causes distress and indigestion * * * Dennos * * * gives the weak stomach a feeling of great comfort. * * * which build up health for adults, and strong bones, firm flesh, and good teeth for babies"; (large circular, both sizes) "Statistics show that, though the death rate among infants and children has been greatly reduced, the rate among the middle aged has shown little if any improvement. When the same attention is given to adult feeding, as has been given infant feeding, progress in the diseases of middle life will be shown. * * * aids the digestion of other foods. Dennos is beneficial for elderly people and invalids with delicate stomachs * * * Dennos for indigestion, heartburn, flatulence, etc. * * * Dennos for insomnia * * * Dennos and milk produces sound, refreshing sleep. Dennos for ulcers * * * as improvement begins. Dennos for invalids and delicate children * * * Dennos is beneficial in cases of typhoid, tuberculosis, stomach-ulcer, gastro-enteritis, indigestion, post-operative cases, flu convalescence, insomnia * * * Dennos is an important food in cases of cancer because malignant growths develop much more slowly in well-nourished and active individuals than in the anemic and under-nourished. Dennos is an excellent diet for any one in a run-down condition. You can build up weight, strength and vitality, by taking a glass of milk prepared with Dennos, regularly, between meals. * * * Dennos is so easily digested that a glassful may be taken every hour"; (small circular, small size only) "For Adults. There are thousands of exceedingly thin men, women and children who need more weight and need it badly. Most of these people need more energy and vigor. If you are underweight and lack energy, you are not getting the proper nourishment from your food. Dennos aids digestion * * * body-building * * * builds up the weight, strength and vitality."

On July 25, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21178. Adulteration and misbranding of aspirin tablets. U. S. v. 26 Cards, 104,612 Envelops, and 5 Dozen Bottles of Aspirin Tablets. Default decrees of destruction entered. (F. & D. nos. 30024, 30361, 30405. Sample nos. 28776-A, 34469-A, 35760-A.)

These cases involved shipments of alleged 5-grain aspirin tablets. Examination showed that the article was below the professed standard, samples taken from each of the three lots having been found to contain 1.75, 2.0, and 2.1 grains per tablet, respectively, of aspirin. In one of the shipments the labeling of the article also bore unwarranted curative and therapeutic claims.

On March 31, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 26 cards, each holding 48 small packages of aspirin tablets at Kansas City, Mo. On April 27, 1933, the United States attorney for the Northern District of Illinois filed a libel against 104,612 envelopes of aspirin tablets at Chicago, Ill., and on May 3, 1933, the United States attorney for the District of Massachusetts filed a libel against 5 dozen bottles of aspirin tablets at Boston, Mass. It was alleged in the libels that the article had been shipped in interstate commerce, between the dates of February 20 and April 8, 1933; that the shipments had been made by the Mills Sales Co., that the lots seized at Chicago and Boston had been shipped from New York, N.Y., that the lot seized at Kansas City, Mo., had been shipped from Chicago, Ill.; and that the article was adulterated and misbranded in violation of the Food and Drugs Act as amended.

The libels alleged that the article was adulterated in that its strength fell below the professed standard of quality under which it was sold, namely: (Label of lot at Kansas City, Mo., retail package) "Certified Pure Aspirin 5 Grain Tablets"; (display card) "5 Grain Tablets Certified Aspirin Pure"; (label of lot at Chicago) "Certified Pure Aspirin Five Grain Tablets"; (label of lot at Boston, bottle) "Tablets Aspirin Acetyl Salicylic Acid Five Grains." Misbranding was alleged for the reason that the following statements in the labeling were false and misleading: (First lot) "Certified Pure Aspirin 5 Grain Tablets" and "5 Grain Tablets Certified Aspirin Pure, * * * Hospital Standard"; (second lot) "Certified Pure Aspirin Five Grain Tablets"; (third lot) "Tablets Aspirin Acetyl Salicylic Acid Five Grains." Misbranding was alleged with respect to the portion of the article seized at Kansas City Mo., for the further reason that the statements on the display card, "Recommended for * * * Neuritis * * * and other Aches & Pains, * * * To prevent gastric disturbances", were statements regarding the therapeutic or curative effects of the article, and were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

No claim or appearance was entered in the cases. On June 12, 1933, judgment was entered in the case instituted in the District of Massachusetts, ordering that the product be forfeited and destroyed. Similar decrees were entered in the remaining cases: On June 16, at Chicago, Ill., and on July 26, 1933, at Kansas City, Mo.

M. L. WILSON, *Acting Secretary of Agriculture.*

21179. Adulteration and misbranding of Acme Medicated Stock Salt. U. S. v. Twenty-Three 25-Pound Bags, et al., of Acme Medicated Stock Salt. Default decree of condemnation, forfeiture, and destruction. F. & D. no. 29910. Sample no. 34878-A.)

This case involved a medicated salt which was represented to contain yeast. No yeast was found in the samples of the product examined by this Department.

On March 9, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of twenty-three 25-pound bags, sixteen 50-pound bags, and twenty-one 100-pound bags of Acme Medicated Stock Salt at Swoyersville, Pa., alleging that the article had been shipped in interstate commerce, on or about December 24, 1932, by the Acme Stock Salt Corporation, from Fostoria, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that it consisted of sodium chloride (79.7 percent), calcium carbonate, magnesium sulphate, iron sulphate, and small proportions of sodium bicarbonate, sulphur, fenugreek, quassia, nux vomica, potassium iodide, and charcoal. No yeast was found.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, (sack) "Yeastolized * * * Yeast."

Misbranding was alleged for the reason that the statements on the sack, "Yeastolized * * * Yeast", were false and misleading.

On June 28, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21180. Misbranding of Rayburn's Easy Antiseptic. U. S. v. 21 Jars of Rayburn's Easy Antiseptic. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30110. Sample no. 22066-A.)

Examination of the drug preparation Rayburn's Easy Antiseptic disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Bacteriological examination showed that the article was not antiseptic.

On April 19, 1933, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 jars of Rayburn's Easy Antiseptic at Beaver Dam, Wis., alleging that the article had been shipped in interstate commerce on or about January 17, 1933, by W. S. Rayburn & Sons from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of petrolatum, with small proportions of benzaldehyde, camphor, and a coloring material. Bacteriological examination showed that the product was not antiseptic.

It was alleged in the libel that the article was misbranded in that the statement on the label and in the circular, "Antiseptic", was false and misleading. Misbranding was alleged for the further reason that the following statement contained in the circular shipped with the article, regarding the curative and therapeutic effects of the article, were false and fraudulent: "Prevents the Complications That Cost the Lives of Many. Saves Suffering for All. * * * Wounds, Cuts. R.E.A. stops the flow of blood promptly. No infection, inflammation, proud flesh or blood poisoning can follow. * * * No soreness or infection can follow. Boils. Dangerous and annoying. R.E.A. gathers and destroys the poison. Prevents blood poisoning. Relieves the suffering. Running Sores. R.E.A. gathers and destroys the infection promptly. Nasal Catarrh. * * * Eczema, Salt Rheum, and kindred afflictions are relieved and destroyed. Barber's Itch. Yields readily and cannot be contracted or spread in a shop that uses R.E.A. after every shave. Ingrown Nails. * * * R.E.A. destroys the inflammation, * * * prevents infection or blood poisoning. * * * Cancer—external. Yields readily to R.E.A. in incipient stages. Gives great relief in malignant or eating cancer. Do not take chances. Apply R.E.A. as soon as noticed. Catarrh of the Stomach. Utterly destroyed by R.E.A. * * * Intestinal Inflammation follows Catarrh of the Stomach. Yields readily when the catarrhal condition is remedied. * * * Constipation follows intestinal inflammation. R.E.A. appears to remove constipation in a few doses, but it should be taken a long time after apparently cured. Constipation clogs the whole blood system, filling it with poisons, which requires much time to completely eliminate. * * * in severe cases. * * * Rheumatism, Neuritis, follows chronic constipation. Rheumatism is always due to imperfect elimination of the bowels, which thus poisons the blood more or less slowly, but always surely. Keep taking R.E.A. until all pains and twinges cease. * * * Piles. Require external as well as internal applications of R.E.A. The outward application for relief and for strengthening the tissues—inwardly for the removal of the cause. Continue until all rectal weaknesses disappear. Severe cases require long treatment, but almost immediate relief will be noticed. Milk Leg. R.E.A. is not a positive remedy in every case, but it brings remarkable relief in every case. The Factory. R.E.A. is first aid, last aid and all the aid necessary in myriads of factory injuries. No infection, blood poisoning or inflammation. No complication can arise to cause serious loss of time—or possibly loss of life. * * * discolored skin * * * blemishes, * * * pimples, must yield to daily massage of R.E.A. The old surface skin is thrown off, carrying with it the unsightly accumulations, leaving the new skin as pure, clear, soft and healthy as a child's. * * * Apply R.E.A. to the scalp, rubbing in carefully. It will bring the scalp to a perfect state of health, restoring the function of sebaceous production. * * * if the hair is just beginning to fall, a few applications each month will be sufficient. Long continued falling requires continuous treatment until scalp health is restored. Conditions of the scalp due to constipation require internal doses as well as outward application. * * * Where there is suffering there is a cause. R.E.A. cannot remove all of the cause of suffering, but it does relieve the suffering in a most wonderful manner. It may be safely used in every case that may arise, with certainty that it will not injure where it cannot cure."

On May 15, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21181. Misbranding of Radumac. U. S. v. 19 Bottles and 19 Bottles of Radumac. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29005, 29255. Sample nos. 451-A, 25203-A.)

Examination of the drug preparation Radumac disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On October 13 and November 14, 1932, the United States attorney for the District of Nevada, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 29 bottles of Radumac at Reno, Nev., alleging that the article had been shipped in interstate commerce, in two shipments, the former on or about September 13, 1932, by Walter Gerke, and the latter on or about October 21, 1932, by the McKesson-Kirk-Geary Co., both consignments having been made from Sacramento, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Radumac * * * The Radumac Mineral Co. * * * Los Angeles, Calif."

Analysis of a sample of the article by this Department showed that it consisted essentially of a water solution of ferrous and ferric sulphates with traces of aluminum, zinc, and sodium compounds including phosphate.

It was alleged in the libel filed October 13, 1932, that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing on the bottle label, and in circulars shipped with the article, were false and fraudulent: (Bottle label) "Frail Persons * * * Frail, weak and rundown persons * * * open sores"; (small circular) "Nature makes no compromise for any transgressions of its laws. It acts and reacts to inevitable and established principles, and certain and specific results never vary under like conditions. Man may compromise; but Nature never. Through abuse, and misuse, of the body, man has subjected himself to the myriad forms of disease as a consequence. He has been, and is, seeking success through efforts that too often prove worthless. In offering Radumac to the public, we do so with the full confidence that it will do all, and more, than we claim for it. * * * wonderful merits of Radumac * * * Radumac will prove every claim we make for it"; (large circular) "Heals, Penetrates and Prevents Germs * * * health-giving, * * * assisting in the elimination of many of the following diseases and troubles, it is * * * Health Tonic, * * * if used regularly it will prevent a great many serious diseases. We highly recommend to all who are troubled, either chronically or occasionally, with any of these diseases; * * * always take three times daily according to directions when any of the symptoms of these diseases occur. Remineralization—For perfect health (to have that 'Peppy,' 'Go-Getter' feeling) * * * If you feel tired, rundown, no energy, can't sleep, poor appetite and bad digestion; your mineral balance is probably not right. Radumac, taken as directed, will restore the lost and needed minerals. * * * for building new body tissues * * * it has such wide and extensive healing, * * * effects on diseased conditions of the body. * * * you will not be disappointed in your results. * * * This Water * * * was found to * * * (prevent) the growth of bacteria, * * * Directions * * * ½ teaspoonful after meals and at bedtime. * * * ¾ to 1-hour after each meal. Chronic diseases and frail persons, 15 drops to start, * * * Diseased Conditions In which Radumac has been found useful Anemia—Run-Down Condition—following prolonged illness or accident, * * * will benefit the condition in a short time. Acne—Eczema * * * Bed-Wetting (enuresis) * * * Where caused by Malnutrition, Radumac will give prompt relief. Bleeding * * * Radumac applied locally will control bleeding (where an artery is not cut) almost at once. * * * prevent the growth or development of disease germs, * * * will prevent infection, and relieve soreness * * * Blood-pressure, High or Low—This condition is in most cases due to a disturbance of the nutrition. High Blood Pressure frequently is due to kidney trouble (see remarks under 'Kidneys'). Low Blood Pressure, where not caused by some disease of the heart, is more frequently due to an anemic condition. Follow Directions. Blood—Poor, Impoverished, Thin * * * for that run-down feeling. * * * Boils * * * Burns—of all kinds. * * * Rarely

will any scar result if treated with Radumac. Carbuncles * * * It will hasten the 'ripening' of the Carbuncle, * * * and shorten the healing time. * * * Children—Defective, Stunted, Puny, Ill-Nourished, Backward—Many times these conditions are due to poor blood. * * * Take according to Directions on Bottle. * * * Convalescence—After a protracted sickness; such as a fever, the flu or gripe, where you feel weak and don't gain strength as you should; * * * Cough * * * This will give prompt, almost instant relief. Cracking, squeaking, stiff joints—This is a form of Rheumatism caused by the deposit of very minute particles of lime in the lining of the joints. Oil them up by taking Radumac. * * * 'Rheumatism.' Dermatitis—Many of this class of disease of the skin are largely caused, or made worse, by an inactive skin; more than half of the impurities of the body are gotten rid of through the skin, and without a healthy skin you can't be perfectly well. Eczema * * * Epistaxis (Nose Bleed)—This may be a symptom of a disease of the liver and of a constitutional disease as well as an abnormality of the nose. If it occurs frequently, consult a good doctor. Picking at the nose, worms, constipation, accident—no matter what the cause—snuff or spray Radumac, one-half strength, up the nose, and apply cotton saturated with Radumac. It will promptly control the bleeding. Feet (Sore, * * * Swollen); * * * Hemorrhoids * * * Hemorrhage (Bleeding)—All forms of bleeding (except where an artery is cut) may be promptly stopped * * * until healing is complete. * * * will prevent the development of disease germs in the wound * * * Hypopepsia (Indigestion) * * * Infection—While Radumac is not a germicide, it is a good antiseptic; that is, it prevents the growth or development of infective germs and if their development is prevented, Nature is able to kill all those which have entered the wound. Modern surgeons do not use strong germicides in dressing wounds, but mild ones which prevent the further growth of germs, hence Radumac is an ideal dressing for all open wounds. Ingrowing toenails * * * Intestinal Indigestion * * * Soreness, Ulcers * * * Kidneys * * * There are many kinds of diseases of the kidneys. Some are serious; that is, prove fatal. Some are acute, and some are mildly chronic. Many of these conditions are promptly relieved by Radumac, * * * Leucorrhea (whites), Vaginal Discharges * * * Liver Diseases * * * in many of the slight disturbances, and acute troubles, Radumac will be found highly satisfactory in allaying painful conditions. * * * Malnutrition—Run-down, anemic conditions, due to impoverished blood. Follow Directions. Mouth—Sore Mouth, Ulcers * * * Mucous Colitis (Catarrh of the colon—inflammation of the colon) * * * Colitis * * * Nervousness—This is usually the result of an impoverished or anemic run-down condition, due frequently to lack of iron and other minerals in the system. Doctors refer to it as 'needed remineralization.' Radumac, taken as directed, will soon give relief. Neuralgia—See 'Rheumatism,' and follow the Directions. Obesity (Fat)—This is usually a disease, and most frequently due to some trouble of the liver or spleen, or both. Try Radumac, and follow the Directions. Ovarian Trouble * * * Open sores * * * Piles, Hemorrhoids * * * Pimples * * * Polyuria (Increased Urine) * * * Pyorrhea, Trench Mouth, Sore Gums or Loose Teeth, and Toothache * * * Rheumatism, Neuritis, Neuralgia—While these are different diseased conditions, they are all due to similar causes—different tissues being diseased. * * * Many patients who have suffered some one or more of these diseases, and have been relieved, * * * Stomach Troubles: Indigestion, * * * Ulcers * * * stomach trouble * * * ulcerated conditions of long standing promptly benefited. * * * Teeth: Loose, Sore; Bleeding Gums; Pus About Teeth * * * Throat, Sore; Tonsillitis, Etc. * * * Women's Diseases * * * most of them may be promptly relieved with Radumac. Worms—This is a common ailment of childhood; and many adults also, both men and women, suffer unknowingly from different forms of parasites, or worms. These cause indigestion, bowel complaints, nervousness, convulsions, fits, trembling weakness, headaches, sleeplessness, loss of weight, and many other similar conditions. Follow Directions, and keep bowels open with some good laxative. This has been known repeatedly to cause the evacuation of a surprisingly large quantity of worms. Wounds, * * * Apply Radumac full strength * * * will heal promptly."

Misbranding was alleged in the libel filed November 14, 1932, for the reason that certain statements regarding the curative and therapeutic effects of the article appearing in the labeling of the product, which were substantially the same as those quoted above, and the following statements appearing in the

large circular accompanying this lot were false and fraudulent: "Catarrh—An inflammatory affection of any mucus membrane accompanied by increase of the mucus, especially from the nose. A violent head cold. We find Radumac a wonderful relief for catarrh of the head."

On June 30, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21182. Misbranding of Dr. Thacher's Diarrhoea Mixture. U. S. v. 160 Packages and 134 Packages of Dr. Thacher's Diarrhoea Mixture. Default decrees of condemnation and destruction. (F. & D. nos. 29761, 29762. Sample nos. 13222-A, 13359-A.)

Examination of the drug preparation Dr. Thacher's Diarrhoea Mixture disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and bottle labels.

On January 20, 1933, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 134 packages of Dr. Thacher's Diarrhoea Mixture at Montgomery, Ala., and on January 21, 1933, the United States attorney for the Northern District of Alabama filed a libel against 160 packages of the product at Birmingham, Ala. It was alleged in the libels that the article had been shipped in interstate commerce, between the dates of May 12 and June 23, 1932, by the Allied Drug Products Co., from Chattanooga, Tenn., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of small proportions of extracts of plant drugs including a trace of tannin, approximately 0.4 percent of inorganic material including an iron compound, and large proportions of glycerin and water, flavored with clove oil.

It was alleged in the libels that the article was misbranded in that the following statements, appearing on the carton and bottle labels, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Carton) "Diarrhoea. * * * Recommended as Valuable in the Treatment of Diarrhoea, Cholera Morbus, Cramp Colic, * * * Children Teething"; (bottle) Diarrhoea * * * Recommended as valuable in the treatment of Cholera Morbus, Diarrhoea, Children Teething and Sudden Attacks of Cramps and pains in the Bowels. * * * Directions: for a child 1 year old, 10 drops; 2 yrs. 15 to 20 drops; 4 to 8 yrs. 20 to 25 drops; 10 to 15 yrs. 30 drops. Adults 1 teaspoonful. Take in a spoonful of water after each action of the bowels."

On June 30, 1933, and August 5, 1933, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21183. Misbranding of Grimes' Ointment. U. S. v. 59 Tubes, et al., of Grimes' Ointment. Default decrees of destruction. (F. & D. nos. 30407, 30423. Sample nos. 35945-A, 36154-A.)

Examination of the drug preparation Grimes' Ointment disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Tests also showed that the article was not an antiseptic, as claimed. The article contained an opium derivative which was not properly declared, since the reference to the presence of laudanum made on the back panels of the tube and jar and the tube and jar cartons, did not bear a declaration that laudanum is an opium derivative.

On May 6 and May 9, 1933, the United States attorney for the District of Utah, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 74 tubes and 32 jars of Grimes' Ointment at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce, in part by the Grimes Ointment Co., on or about November 1, 1932, and March 15, 1933, and in part by Ellen Garey, on or about April 13, 1933, both shipments having been made from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of volatile oils including camphor, reducing sugars such

as honey, glycerin, rosin, and opium extract incorporated in an ointment base such as petrolatum and tallow. Bacteriological tests showed that it was not antiseptic.

It was alleged in the libels that the article was misbranded in that the statement in the circular, "An Antiseptic", was false and misleading. Misbranding was alleged for the further reason that the package failed to bear a plain statement on the label of the quantity or proportion of opium contained in the article, since the reference to the presence of laudanum on the back panels of the tube and jar labels and on the tube and jar cartons did not carry the declaration that laudanum is an opium preparation. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent: (Jar label and jar carton label) "Healing * * * Blood Poison Remedy * * * to be used in the treatment of local infection, Piles, Boils, Ulcers, * * * and Skin Diseases"; (tube, label) "Healing * * * Blood Poison Remedy * * * A Healing and Reliable Remedy for Piles, Local Infection, * * * Etc. * * * Directions * * * in case of protruding or Hemroids Piles, * * * These directions are for itching, bleeding or Hemroids. For infection * * * etc."; (tube, carton) "Healing * * * Blood Poison Remedy * * * to be used in the treatment of local infection. Piles, Boils, Ulcers, * * * and Skin Diseases. * * * It cures"; (circular, for tube and jar) "Healing * * * The ointment is to be used in and for treatment of the following so-called diseases, local infection, * * * skin diseases of various kinds, old sores, abscesses, erysipelas, itch, * * * piles, and many other troubles of all kinds and character which may not be mentioned here. * * * heals * * * its curative power is indeed far-reaching, rapid and results in permanent healing, destroying the disease germs. * * * Testimonials 'For years I suffered from a sore leg. The Doctors advised me to have an operation. I heard of your Ointment and was advised to try it. It opened up the sore, and a 5-pointed rock came out of it. My leg is now well.' * * * 'My daughter received a severe burn; * * * the burn developed decidedly worse. A friend advised me to get some of your Grimes E. G. Ointment. Two jars healed the burn,' * * * 'My daughter was born with a birth-mark, over her eye. The Doctors wanted to operate; after the operation it would not heal. They Wanted to remove her eye. A friend asked me to try your Ointment. One jar and a half healed the sore.' * * * 'Both myself and Sister had bunions on our feet, * * * I secured a jar of your wonder Ointment. It cured both our bunions,' * * * 'I have used your ointment with splendid results, and can recommend it to anyone suffering from * * * or any skin diseases,' * * * 'I was suffering from a sore leg. For months nothing seemed to help it. I purchased a jar from you and in less than a week my leg was healed.' * * * 'While placing a purple ribbon on my typewriter I thoughtlessly rubbed my eye; in three days I had an infection in it. In 14 days my Dr. advised removing the eye. Heard of your Grimes Ointment; secured a jar, which healed my trouble.' * * * 'I am 75 years old. Was suffering from erysipelas around my face and head; doctor gave up hopes of my recovery. My son came and brought some of your ointment, which healed me.' * * * 'My three children had eczema. Your E. G. Ointment healed them. It has been 5 years, and no sign of it has returned. I am recommending it for skin diseases,' * * * my foot and leg were discolored and badly swollen. I was advised to try your Grimes E. G. Ointment, in 3 days the pain was gone and my leg and foot were normal,' * * * 'I contracted blood poison in my hand. * * * finally gangrene set in. * * * I decided to give your Ointment a trial. After 4 days my hand was healed, with exception of a little stiffness,' * * * 'I was suffering from a cancerous growth on my face * * * I secured and used 1 jar of your valuable remedy, which cured me. It is months, and I have had no trouble since—no sign of it returning,' * * * 'My daughter froze her feet, developed blood-poison, and suffered for months. * * * heard of your great Remedy and secured 6 jars. She began to get relief almost immediately. She is well,' * * * ill with flu; our oldest daughter died before we received and used your Ointment; the other three recovered rapidly, thanks to you and your great Remedy.' * * * 'I was suffering from a lump in my breast. For years it increased in size. I could not raise my arm. Could get no relief. My doctor advised an operation. Your Grimes' Ointment was recommended to me. After using one jar the pain left entirely,' * * *

'I had a tumor on my breast for 36 years: I used a jar of your Ointment; I am healed; the tumor is gone. Your Ointment is wonderful.' * * * 'I had bleeding-piles for 25 years; * * * was advised to use your Grimes E. G. Ointment; improved very soon; am well.' * * * Directions for General Use: For Local Blood Poison, Boils, Ulcers, Erysipelas, Old Sores, * * * etc. * * * For * * * Eczema, Salt Rheum, * * * Bunyons, etc.; * * * In cases of severe burns, * * * etc. * * * In cases where the infection or ulcer is deep, * * * For Piles, * * * For Lumbago, Pleurisy, Rheumatism in Joints, Flu, Bronchitis, Growths, Swellings, etc., open pores, where parts are affected with hot packs; dry, and rub Ointment in well; repeat treatment every four or five hours. * * * healing * * * [Testimonials] 'I had gangrene developed from sugar diabetes. Your Ointment healed my trouble. That was 5 years ago, and I have had no trouble since.' * * * 'I had blood poisoning in my arm which developed into a pronounced case. I sent for two jars of your ointment and soon became quite well. I have used it for * * * lumbago, and I highly recommend it for those troubles.' * * * 'Having a bad case of Blood Poison in my foot, the Drs. insisted on operating. I insisted on them using your great Ointment. I recovered very rapidly, and it left no scar.' * * * 'I suffered for many years with piles. After using your wonder Ointment, 1 jar perfected a remedy. It is years now, with no return of the trouble.' * * * had a boil on my breast. It pained and throbbed, I could not sleep. * * * a friend asked me to try your E. G. Ointment. I had relief in less than an hour. A Friend had some kind of itching skin disease on the palms of her hands. It healed her and she has had no trouble since.' * * * 'I suffered for 6 months with ulcers on my ankles. First application gave relief.' * * * 'Your Grimes E. G. Ointment * * * I have used it in local infection and many other local diseases; * * * 'My trouble was T. B. of the throat and bronchial tubes. Doctor advised when germ had eaten into large vein extending down the back of my throat, a hemorrhage would follow. I coughed my palate out the day before I began to use your Grimes Ointment and my throat has now been well 8 years.' * * * 'My husband suffered from pyorrhea; I used your Ointment * * * which relieved the trouble. Have used it on our small daughter, who had bronchial trouble. It stopped her cough.' * * * your Grimes Ointment; * * * The relief from pain is so quick! * * * the man had suffered so much pain that it required large doses of morphine. I filled the pus cavity with the Grimes paste and at 8 o'clock he went to sleep and slept all night without waking. He continued to improve and was soon well.' * * * subject to local infection quite frequently. * * * it heals local blood poison at once. It also heals many other troubles.' * * * healed the sore quickly.'"

On June 24 and July 29, 1933, no claimant having appeared for the property, judgments were entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21184. Misbranding of Kap-Oil. U. S. v. 63 Jars of Kap-Oil. Default decree of destruction. (F. & D. no. 30428. Sample no. 35797-A.)

Examination of the drug preparation Kap-Oil disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and jar labels and in a circular shipped with the article. The article was also represented as being an antiseptic inhalant, whereas it was not an antiseptic when inhaled.

On May 9, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 63 jars of the said Kap-Oil at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about January 10, 1933, by the Kap Oil Co., from Broken Bow, Nebr., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of petrolatum containing phenolic compounds, menthol, methyl salicylate and a minute proportion of a mydriatic alkaloid, colored with a green dye. Bacteriological examination showed that the product would not be antiseptic when inhaled.

It was alleged in the libel that the article was misbranded in that the following statements in the labeling were false and misleading: (Carton) "Breathe It In Antiseptic Vapor Compound"; (circular) "Containing Anti-

septic, Oxygen bearing Oils." Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Carton) "A soothing external application for relief of pain and soreness and certain forms of Congestion and Inflammation that may respond to external Medication. Used for Pneumonia, Coughs * * * Hay Fever, Influenza, Croup, Sore Throat and Pleurisy"; (jar label) "'First thought to the injured' * * * as a massage for Swollen and stiff Joints. * * * Influenza, Pneumonia, Coughs * * * Sore Throat, Croup, Earache"; (circular) "For Coughs * * * Croup, Sore Throat, Pneumonia, Pleurisy. * * * Pneumonia—Apply Kap-Oil thickly to the chest, throat and on the back, between the shoulders, and cover with warm or hot flannels. Change the application as often as needed. Take portion of Kap-Oil size of hazelnut, let dissolve in mouth and swallow slowly. This should be done twice a day. * * * same treatment as for Pneumonia. Sore Throat—Apply freely, take a little Kap-Oil as directed, and inhale. Croup—Apply freely to chest, throat and on back between shoulders and cover with warm or hot flannels. * * * Pleurisy—Apply Kap-Oil freely over affected parts and cover with hot cloths. Asthma—Inhale and take internally as directed, also rub a little Kap-Oil in the hollow spot, just below the Adams' Apple. Hay Fever—Inhale and take internally as directed. Tooth-Ache * * * Earache * * * relieves the trouble. * * * a decisive advantage of Kap-Oil is noticeable, especially in severe cases, the surface presents a clean appearance, free from pus formation and undesirable accumulations. * * * To prevent and alleviate pain and suffering of mortal man. * * * for * * * Sore Joints, Boils, Carbuncles."

On June 14, 1933, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21185. Misbranding of C. C. Special. U. S. v. 10 Bottles of C. C. Special. Default decree of destruction. (F. & D. no. 30383. Sample no. 35843-A.)

Examination of the drug preparation C.C. Special disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the label; also that the alcohol present in the article was not declared.

On or about May 9, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 bottles of C.C. Special at Garden City, Mo., alleging that the article had been shipped in interstate commerce, on or about January 28, 1933, by the Supto Manufacturing Co., from Des Moines, Iowa, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of small proportions of magnesium sulphate, extracts of plant drugs including catechu, a lactate, and sodium benzoate, alcohol (1.7 percent by volume), and water approximately (97 percent), colored with a red dye.

It was alleged in the libel that the article was misbranded in that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article. Misbranding was alleged for the further reason that the following statements regarding its curative or therapeutic effects, appearing on the label, were false and fraudulent: "As a worm preventive * * * Infested Birds For Infested birds."

On June 16, 1933, no claimant having appeared for the property, judgment was entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21186. Misbranding of Joy's Castoria. U. S. v. 597 Bottles of Joy's Castoria. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30424. Sample no. 35481-A.)

Examination of the drug preparation Joy's Castoria disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton containing the article.

On May 8, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 597 bottles of Joy's Castoria at Chicago, Ill., alleging that the article had been shipped on or about June 25, 1932, by Mills Sales Co., from New York City, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts of plant drugs including a laxative drug, sugar, glycerin, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects were false and fraudulent: (Carton) "For Infants and Children For * * * Colic * * * Diarrhoea, Worms, Convulsions, Feverishness, Loss of Sleep and all Teething Troubles * * * Assimilates the Food, Regulates the Stomach and Bowels Aids Digestion Induces Rest."

On June 16, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21187. Adulteration and misbranding of fluidextract of ergot. U. S. v. 4 Bottles of Fluid Extract Ergot. Default decree of destruction entered. (F. & D. no. 29944. Sample no. 34092-A.)

This case involved a shipment of fluidextract of ergot which was represented to be of pharmacopoeial standard and which was found to have a potency of less than one-fifth the potency required by the United States Pharmacopoeia. The article, because of its low potency, would not produce the therapeutic effects claimed in the labeling.

On March 16, 1933, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 4 bottles of the said fluidextract of ergot at Little Rock, Ark., alleging that the article had been shipped in interstate commerce, on or about February 15, 1933, by the Meyer Bros. Drug Co., from St. Louis, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia.

Misbranding was alleged for the reason that the following statements on the label were false and misleading: "Fluidextract Ergot, U.S.P. * * * One Cc. of this Fluidextract represents one gramme of superior standard ergot." Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, were false and fraudulent: "Nervous and muscular uterine stimulant, hemostatic. Average dose of the Fluidextract—Thirty Minims (2 Cc.) as required."

On June 29, 1933, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21188. Misbranding of Witter Water. U. S. v. 2,199 Cartons of Witter Water. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 30384. Sample no. 33900-A.)

Examination of the mineral water involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the circular shipped with the article.

On or about May 3, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,199 cartons, each containing 6 bottles of Witter Water, at Chicago, Ill., alleging that the article had been shipped in interstate commerce, June 9, 1932, by the Witter Water Co., from Ukiah, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of an alkaline water containing, per quart: 177 grains of dissolved mineral matter consisting essentially of sodium, magnesium, and calcium bicarbonates, borax, sodium chloride, and small proportions of other salts commonly present in ground water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular, regarding the curative and therapeutic effects of the article, were false and fraudulent: "Clinical and Laboratory Tests Prove the Amazing Effectiveness of Medicinal Witter Water. One of the truly great functions of Medicinal Witter Water is its capacity to neutralize the excess acidity of the stomach, thus relieving the pain and distress of most acid stomach disorders. * * * gives remarkable results in improving your general health. * * * contains important minerals in available form, Easily Absorbed by the body, which are needed to build up health and vitality. In fact of the 12 natural minerals that are essential to human life, 11 are found in Medicinal Witter Water. * * * these minerals which are so important to life—are in available form, that is they are readily assimilated by the human body. That Is Why Medicinal Witter Water Is Exceptionally Beneficial In Its Action. * * * health-giving minerals * * * vital mineral ingredients * * * for the beneficial effects of Medicinal Witter Water. * * * effective medicament * * * especially beneficial effects in those disorders in which its use is indicated. How to Get Best Results with Medicinal Witter Water * * * While this * * * medicinal compound often gives results in a very short time, it should be taken continuously for at least a month so that it may have a proper chance to effect more lasting results. * * * The Average Case Will Require At Least Six Bottles. Some of the more chronic and long standing cases, of course, need more. * * * after their conditions, in their opinion, returned to normal. This procedure used as a means to prevent a possible return of the condition * * * Medicinal Witter Water brings such grateful relief to sufferers of excess acid stomach disorders that they are apt to believe the condition has been completely corrected when it has only been relieved after taking just one or two bottles of Medicinal Witter Water. Even in severe cases of acid stomach, just a few doses should bring amazing relief from the distress. That is why you are urged not to judge results from only a small amount of this truly remarkable Natural compound. That is why it is strongly urged that you heed the sound advice of hundreds of physicians—Keep Up The Treatment Until Nature Has Had An Opportunity To Heal And Reestablish Normal Functioning. It is for this reason, in addition to the saving made, we say that the least you should take is one carton of six bottles—For Best Results. Under ordinary conditions, as was said above, this amount will last from about two to four weeks. Severe cases and those of long standing will naturally require longer treatment. * * * Moreover, Medicinal Witter Water is such an economical treatment, so pleasant and easy to take, that there is no reason for any one discontinuing its use too soon. If you should happen to take it a little longer than is required, it will not do you the slightest harm—in fact, as was said, this should aid very materially in preventing a return of the symptoms, as well as assist greatly in building better health and vitality. * * * A host of physicians today consider that colds and many kindred disorders are due to a disturbance of the mineral balance of the system. They say that chronic fatigue and a run-down debilitated condition are often symptoms of mineral starvation—that the body lacks a sufficient amount of minerals needed to maintain the proper mineral balance and to neutralize excess acid wastes. They also say that chronic hyperacidity of the stomach, which is the cause of so much stomach distress, will in time produce a disturbance of the mineral balance of the system. * * * Medicinal Witter Water is indeed a safer means than the use of soda and similar alkaline agents. Vital Need of Natural Minerals. Physicians also say that when there is a disturbance of the alkali reserve of the body, all of the mineral elements vitally needed by the body for good health are more or less reduced, including iron and calcium. Taken into the stomach, Medicinal Witter Water neutralizes any excess acidity that may be present, besides supplying a generous amount of alkalis, iron, calcium and other vital minerals needed by the body. Remember, of the 12 vital minerals required by the body and essential to human life, 11 of them are contained in Medicinal Witter Water—And In Natural Form. Also, unlike soda bicarbonate and many other alkaline agents, Medicinal Witter Water positively cannot cause the serious condition known as 'alkalosis'. This fact was proven

by a nationally known pathological laboratory. * * * after the Buffer alkalinity is neutralized the acid becomes as effective as ever for digestion purposes. The regular use of Medicinal Witter Water, therefore, * * * should help build up your resistance to disease because it supplies the system with natural minerals needed by the body * * * Your Body Requires 12 Natural Minerals for Good Health. The table below shows the 12 natural minerals in your body which are essential to human life, and the Natural minerals found in Medicinal Witter Water. Compare Them.

Your Body Contains

These

Natural Minerals

1. Calcium
2. Phosphorus
3. Potassium
4. Sulphur
5. Sodium
6. Chlorine
7. Magnesium
8. Iron
9. Iodine
10. Silicon
11. Manganese
12. Fluorine

Medicinal Witter Water

Contains These

Natural Minerals

1. Calcium
2. Phosphorus
3. Potassium
4. Sulphur
5. Sodium
6. Chlorine
7. Magnesium
8. Iron
9. Iodine
10. Silicon
11. Manganese

Note: Medicinal Witter Water contains 11 of these 12 natural minerals that are essential to human life! * * * Medicinal Witter Water contains a large percentage of Sodium Metaborate which is valuable because of its especially beneficial action in the blood and in combating acid poisons in the system. Why the Natural Mineral Elements in the Medicinal Witter Water are Vitally Necessary to Good Health. The importance of the various Natural Mineral elements found in Medicinal Witter Water, is clearly shown by the following explanation of the part they play in maintaining body health. As you read this brief summary of their action within the system, check the elements listed here with those found in Medicinal Witter Water as shown by the analysis on the bottle label. Calcium Bicarbonate and Calcium Phosphate: Calcium forms about one-half of the total mineral matter in the body. It is the principal constituent of the bones and teeth. Both calcium and phosphorus are also found in all the body cells and play a very important part in the life process. Sodium Bicarbonate and Sodium Sulphate: These elements are required by the body to keep the blood alkaline and to aid in eliminating carbon dioxide from the lungs. Magnesia Bicarbonate: This is the element which helps to keep the bones flexible and also to give elasticity to the muscles. Ferrous Bicarbonate (Iron) and Manganous Bicarbonate: These elements work together to supply the blood with hemoglobin—the coloring matter of the red blood cells, which carry life-giving oxygen to all parts of the body. Chlorides Of Ammonium, Lithium, Potassium and Sodium: The medicinal properties of these four mineral elements are closely related and are important to the proper mineral balance of the body. Sodium Metaborate: As shown by Dr. Harvey W. Wiley in 'Bureau of Chemistry Bulletin No. 84,' this element increases the number of red corpuscles in the blood, which are so essential to vigorous health. It is also an antiseptic agent. Potassium Iodide, Bicarbonates of Barium and Strontium: These elements act as internal antiseptics and are, therefore, valuable in eliminating poisonous matter from the system. Even though present in the body in small quantity only, the fact remains that the infinitesimal amounts of mineral substances are of the highest importance in promoting and regulating vital processes. Silica: This element is of great importance because scientific opinion holds that it has unusual antiseptic action and assists in protecting the body from infection. * * * Alkaline Elements—to neutralize acid poisons. Building Elements—to increase the number and quality of the red corpuscles, which carry oxygen throughout the body and remove waste material. Antiseptic Elements—to cleanse and heal. Vital Elements—to nourish impoverished body cells upon which health depends. You can see then why Medicinal Witter Water has been so highly effective in treating those ailments in which its use is advised by physicians. New 200 Page Book Free Stomach Disorders, Acidosis and Anemia * * * Giving you the latest Medical Facts Regarding the Causes and Treatment of Common Stomach Disorders, Stomach Ulcer,

Duodenal Ulcer, Colitis—Enterocolitis, Acidosis—Lack of 'Pep', Anemia—Poor Blood, High Blood Pressure, Rheumatism, Obesity—Overweight, Poor Health * * * Invaluable To Everyone Who Suffers From Stomach Disorders, Stomach Ulcer, Duodenal Ulcer, * * * Colitis, Enterocolitis, Acidosis (Lack of 'Pep'), Anemia (Poor Blood), Obesity—Overweight, High Blood Pressure, Rheumatism."

On May 8, 1933, the Witter Water Co., Ukiah, Calif., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant for relabeling under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$2,500, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drug Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

21189. Misbranding of Thor's Vitamin Compound. U. S. v. 43 Bottles of Thor's Vitamin Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30421. Sample no. 32599-A.)

Examination of the drug preparation Thor's vitamin compound disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton label and in a circular shipped with the article.

On or about May 5, 1933, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 43 bottles of Thor's vitamin compound at Tampa, Fla., alleging that the article had been shipped in interstate commerce, on or about April 28, 1933, by the Thor Pharmacal Co., from Atlanta, Ga., and charging misbranding in violation of the Food and Drugs Act as amended.

Examination of a sample of the article by this Department showed that it consisted of tablets containing plant material including nux vomica and a laxative drug, compounds of iron and copper, phenolphthalein, and yeast. Biological examination showed that the article was worthless as a source of vitamin D.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent: (Carton) "For use in certain types of impoverished blood, undernourished conditions, and general systemic depletion. * * * as efficacious in certain types of under-nourishment, impoverished blood conditions and general systemic depletion"; (circular) "Your health * * * Thor's Vitamin Compound, how to use it to get the best results, * * * Let us first explain that the mechanism of the human body is the most delicate piece of machinery ever devised. Through use and abuse from improper care, it is natural that, at times, this delicately adjusted mechanism should get out of order. So, it is in this condition that one is exposed to all manner of onslaught from disease. But, also like other machinery, if the body is kept in the proper condition, it will run smoothly, day in and day out, year in and year out, until you have reached your allotted three score years and ten, and on beyond. Break-Down Gives No Warning. If you break an arm, that part of your human machinery is immediately out of commission until the break has been set and healed. But these under-par conditions do not work that way. There is nothing sudden or startling to warn us that Nature is beginning to break down, except a slow process of disintegrating energy, gradual loss of appetite, slowing, failing memory, weight decreasing, by degrees, less and less sleep at night, and a noticeable crossness and irritability. We don't seem to have any particular aches and pains, but we are just worn out in body and in mind, with a lazy liver that constantly needs prodding with strong, irritating purgatives. If this continues without correction you will soon be a sick person. If we are suffering from weak, thin blood, acid stomach, gas, constipation, bilious attacks, nervousness, weakness, loss of weight, sleeplessness, a rundown, anaemic condition, violent headaches from indigestion, auto-intoxication, and a general depleted, anaemic condition, there is a positive cause behind it all. In many cases when we get into this weakened, ailing condition we can readily put our finger upon the cause: it may be over-work, eating hastily or irregularly, indulging in too much liquor or tobacco, not getting enough rest and sleep, business worries, too much or too little exercise, ill-chosen food, etc., etc. At other times the actuating cause of our feeling so

terribly is more obscure: We just find ourselves in a run-down, weakened condition and suffering from one or more well-defined symptoms like nervous indigestion, a rheumatic condition, impoverished blood, lack of endurance, etc. etc. and scarcely know how it came about. No more distressing picture could be presented than that of a human being whose bodily mechanism is below par. Cross, irritable, tired, mentally anxious, such people are no pleasure to themselves and a decided burden to their friends and loved ones. Perhaps the most common cause of such a condition is some form of anemia or mal-nutrition. Mal-nutrition does not necessarily imply a lack of life-giving food. Often in the same family two individuals will be found who are exact opposites in health—one vigorous, robust, happy, the other tired, lifeless, unhappy. One is converting food in life-giving substance. The other, possibly through some metabolic deficiency, is failing to assimilate the necessary health giving elements. Appetite is gone, eating is attempted simply because it is meal time, interest in pleasure has ceased, the daily work has become a burden. It is lamentable, but true, that hundreds of thousands of men, women and children are in this condition; lamentable, because so often it is needless, for science has provided a way to the restoration of health, and with it happiness. How Blood Affects Health. The blood exercises a tremendous influence over the health of the body. The two main divisions of the blood are hemoglobin (red blood corpuscles) and leucocytes (white blood corpuscles). Red blood indicates energy. The white blood corpuscles act as sentinels to guard the body against germ attacks. Unless there is a sufficiency of strong, red blood corpuscles, there cannot be the necessary vigor for health and happiness. Strong red blood corpuscles maintain strength and vigor in the bodily mechanism. Those who possess it are alert, active, energetic and constantly feel fit-ready for any enterprise, whether it be work or play. Difficulties In Treating. Those who lack strong, red blood corpuscles are apt to be pale, indecisive, nervous, cross, easily irritated, subject to mental anxiety, unable to sleep soundly, and consequently, unrefreshed on arising. They drag themselves through the day, tired when they begin and utterly exhausted when evening falls. Often the cause of this condition baffles the best physicians. It may not be due entirely to dietetics, for, as stated above, sometime in the same family one member will be in perfect health, while another, following the same general habits, may be miserable. It probably is due to a difference in metabolism. Thus one person may thrive on certain foods, while another, with faulty metabolism, may starve on the same diet. It often happens that a general run-down system is more difficult to cope with than some of the dreaded diseases. In the case of definite disease, there is (except in a few instances), a definite treatment. Malaria, typhoid, diphtheria, certain heart diseases and so forth have a known, definite treatment. But this ailment known as a 'run down condition' is different, in that so many parts of the vital organs and anatomy are involved. For years several of the main ingredients in Thor's Vitamin Compound have been successfully used in treating rundown systems. While these ingredients worked successfully in the majority of cases, yet the response by the body was not always positive until the discovery made by an eminent chemist and bacteriologist in one of America's outstanding Universities of the addition of other ingredients. Clinical tests conducted by him with the combined ingredients showed that practically every case responded favorably. This discovery is incorporated in Thor's Vitamin Compound with several other aid-giving ingredients and it is this combination (based on the latest scientific knowledge, supported by actual clinical tests) that enables Thor's Vitamin Compound to aid those suffering from certain types of under nourishment, impoverished blood conditions and general systemic depletion by aiding Nature to do Her reconstructive work. When you are thirsty, Nature calls for water * * * drink anything you please, yet your thirst is not satisfied and Nature still demands water. That's the principle on which Thor's Vitamin Compound was planned. It is intended to help the assimilation processes and assist the digestive eliminative and constructive work that must be done before the system can again enjoy its normal health. Continue The Treatment. Now don't allow what we are about to say discourage you, but rather take heart, because with Thor's Vitamin Compound you have taken the first step on the path that should lead to recovery. However, you must know that in general systemic depletion, the destructive and retarding processes have been going on for weeks, possibly months or years. It is therefore too much to expect any one package of anything to bring the system back to normalcy. * * * Some systems will respond to the treatment more quickly than others. Should your system be particularly responsive, at the end of the week's treatment you should see a marked improvement in your condi-

tion; but, if you have allowed yourself to get too far below par, do not expect one package of Thor's Vitamin Compound (or any other treatment) to set you right * * * if you will continue the treatment for a few weeks if necessary * * * you should join the multitude of other once sick, worn out, run-down folks who declare Thor's Vitamin Compound almost a miracle of modern medicine . . . when you feel the return of tingling health, a rosy glow to your complexion, a firm, solid (not fat) flesh, keen alert mind, regular bowel habits, real vim and vigor and a happy disposition you will again find life thoroughly enjoyable and quite worth while! Take your Thor's Vitamin Compound regularly . . . stick to it persistently."

On May 29, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21190. Misbranding of Miller's Anti-Mole. U. S. v. 18 Bottles of Miller's Anti-Mole. Default decree of destruction entered. (F. & D. no. 30093. Sample no. 35772-A.)

Examination of the product, Miller's Anti-Mole, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On or about April 15, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 packages of Miller's Anti-Mole, at Kansas City, Mo., alleging that the article had been shipped in interstate commerce, on or about January 27, 1933, by the Miller Manufacturing Co., from Lincoln, Nebr., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of nitric acid (62.3 percent), acetic acid (13.4 percent) and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding its curative or therapeutic effects, were false and fraudulent: (Label around wooden tube) "Anti-Mole for the Permanent Removal of Moles, * * * And all Similar Skin Blemishes"; (circular) "Anti-Mole * * * is Guaranteed to Permanently remove moles. * * * and all healthy protuberances protruding above the skin. * * * For a small mole insert the point of a common hardwood toothpick into the liquid, with a downward stroke shake off the drop of liquid and apply the pick just moistened a little, thus preventing the liquid from spreading to the surrounding skin. For a very small mole, or dark skin spot a very slight application of the remedy well worked in will be sufficient. For a very large protruding mole, say the size of a large pea, more of the remedy is required. Apply Anti-Mole to the surface of the mole, pick gently with the toothpick while applying. When the very small mole turns a light color you have used sufficient to remove it; a large mole, use enough to turn it brown. About 2 hours after applying Anti-Mole, grease well with vaseline. This will keep it soft and prevent soreness. Do not expect the mole to come off immediately upon making the application, as it requires a few days for the remedy to absorb the mole. When this process is complete and the mole having formed into a dry scab, the skin will gradually heal from below and the scab will sluff off and the mole will be gone. Never Pick The Scab Off, for when you do another will form, and when the second scab comes off sometimes a scar is the result, and that is what you want to avoid. * * * Don't try to use Anti-Mole on yourself; have another person do it for you, unless the mole you wish to remove is on the arm, leg or where you have free access to it."

On June 14, 1933, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21191. Misbranding of Andes' Great Oil. U. S. v. 33 Bottles of Andes' Great Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29011. Sample no. 7199-A.)

Examination of the drug preparation Andes' Great Oil disclosed that it contained no ingredient or combination of ingredients capable of producing certain

curative and therapeutic effects claimed on the bottle and carton labels and in a circular shipped with the article. The label failed to bear an informative declaration of the quantity or proportion of alcohol contained in the article.

On October 7, 1932, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 bottles of Andes' Great Oil at Montgomery, Ala., alleging that the article had been shipped in interstate commerce on or about May 21, 1932, by the Crump Laboratories, from Louisville, Ky., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of ammonia, capsicum oleoresin, volatile oils including clove oil, eucalyptus oil, and camphor, traces of sodium carbonate and an iron compound (alcohol 14.9 percent by volume), and water.

It was alleged in the libel that the article was misbranded in that its package failed to bear on the label a statement of the quantity or proportion of alcohol contained in the article, since the statement "Alcohol not over twenty-five percent", borne on the label, failed to inform the purchaser that the alcohol content was only 14.9 percent. Misbranding was alleged for the further reason that the following statements in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Bottle) "For Aches and Pains"; (carton) "Recommended for Rheumatism, * * * Toothache, Earache, Backache, * * * Sore Throat, Pleurisy, * * * Aches or Pains"; (circular) "Pain medicine Pain may occur in any part of the body. When seized with pain think of Andes Oil and apply at once * * * It acts splendid. Rheumatism is a disease that few people are ever so fortunate as to escape. Its favorite seats are the joints and nerves, or changing of the pain from one place to another are its ruling symptoms. Now it will attack the shoulder. Next we find it in the knee; when leaving the knee it will appear in the hip joints, and thus it will go successively visiting every joint in the body. * * * recommended for Rheumatism. * * * rubbed over the painful and swollen parts. * * * Toothache. * * * Pain in the Head, Etc. * * * Sore throat. * * * Lumbago. * * * Lumbago Pains. * * * Diarrhea & Cramps."

On June 30, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21192. Misbranding of Bu-Ku-Jin Elixir. U. S. v. 96 Bottles of Bu-Ku-Jin Elixir. Default decree of destruction entered. (F. & D. no. 30412. Sample no. 36171-A.)

Examination of the drug preparation Bu-Ku-Jin Elixir disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle label and a display card shipped with the article.

On May 4, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 96 bottles of Bu-Ku-Jin Elixir at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce, on or about March 20, 1933, by Prost & Calahan, from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts of vegetable drugs including buchu and juniper, sugar, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects were false and fraudulent: (Label) "An Effective Diuretic in Kidney and Bladder Disorders"; (display card) "The Doctor says in Kidney and Bladder Disorders I Recommend Bu Ku Jin Elixir."

On June 24, 1933, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21193. Misbranding of Fisher's Lung Balm and Household Ointment. U. S. v. 23 Small Jars and 11 Large Jars of Fisher's Lung Balm and Household Ointment. Default decree of destruction entered. (F. & D. no. 30417. Sample nos. 35795-A, 35796-A.)

Examination of the drug preparation, Fisher's Lung Balm and Household Ointment, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the jar label, circular, and carton containing the article.

On or about May 10, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court, a libel praying seizure and condemnation of 23 small jars and 11 large jars of Fisher's Lung Balm and Household Ointment at Kansas City, Mo., alleging that the article had been shipped on or about December 2, 1932, by George L. Fisher, from Superior, Nebr., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of volatile oils, including eucalyptol, incorporated in petrolatum.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects were false and fraudulent: (Jar label) "Lung Balm Use it for Coughs * * * Catarrh and Croup * * * The Safe Remedy For Babies and Children * * * Lung Balm * * * Affords Quick Relief Prevents Croup and Serious Colds"; (carton) "Lung Balm The Safe Remedy for Babies and Children * * * Use it for Coughs * * * To Relieve Nasal Catarrh * * * For Congested Lungs, Catarrh, * * * Croup * * * Affords Quick relief"; (circular) "Use * * * Lung Balm and Household Ointment For Croup, Whooping Cough, Sore Lungs, Frosted Feet, * * * Bronchitis, Nasal Catarrh, * * * Stiff Neck, * * * Congestions, Tonsilitis, * * * Sore Joints, * * * Inflammations, * * * Lung Balm * * * Affords Quick Relief in Severe Colds, * * * Inflammation of the Lungs. * * * A Remedy Especially Valuable for Babies and Children Used Early, often prevents Severe Inflammations * * * Directions for using * * * Rub freely on the throat and over chest. In severe cases cover chest with warm flannel, placing hot water bottle over flannel. For * * * Nasal Catarrh, Whooping Cough or Asthma, apply in nostrils, melt a little in spoon and inhale."

On June 14, 1933, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21194. Misbranding of Fosfarsinol. U. S. v. One Hundred and Twenty 6-Ounce Packages and Sixty 12-Ounce Packages of Fosfarsinol. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30391. Sample nos. 7880-A, 7881-A.)

This case involved a drug preparation, known as Fosfarsinol, which was being offered for sale and sold in Puerto Rico. Examination showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the circulars and on the carton labels of a portion.

On May 9, 1933, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one hundred and twenty 6-ounce packages and sixty 12-ounce packages of Fosfarsinol, alleging that the article was in possession of J. M. Blanco, Inc., at San Juan, P.R., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Fosfarsinol * * * The American Tropical Remedy Co. San Juan, Porto Rico."

Analysis of a sample of the article by this Department showed that it consisted essentially of arsenic, strychnine, calcium and phosphorus compounds, extracts of plant drugs including wild cherry, alcohol, sugar, glycerin, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling of the article, were false and fraudulent: (Circular, both sizes)

"Reconstituent of the Brain and Nerves, a real food for the nerve cells, which it nourishes * * * repairs the organic waste acting as an energetic vitalizing * * * agent for all the tissues. * * * The scientific investigations carried on long ago in the field of biological chemistry by the wise professors Dujardin Beaumetz, Bunge and others proved without any doubt that the mineral elements used in the process of nutrition when they are prescribed in their pure mineral form are not absorbed, and therefore, the organism cannot make use of them. Dujardin Beaumetz called the attention to this important fact in connection with the administration of phosphates that in those early days were prescribed in a rutinary [routine] way. This treatment must have been useless due to the lack of assimilation of the mineral phosphates, as we have indicated. Bunge has proven that the mineral substances that take part in the organic synthesis cannot be used by the human organism unless they assume an organic form; that is, unless they have been previously prepared by a living organism. From this point of view, the glycerophosphates offer many advantages. Their chemical composition are perfectly defined, and contain the same as the natural phosphates, phosphorus in an organic form, therefore, being completely assimilable and absorbed by the organism. They are therefore, the real cellular nutrients, exercising a stimulant and vitalizing action over the tissues; but especially over the nervous and osseous systems. This property, because of the easy way in which they are absorbed and used, and because of the complete absence of all toxic and noxious action when they are pure, explain and justify the success that always accompany the use of these products. Arrhenal (disodic methylarsenate) is a therapeutic agent of great importance. It stimulates and regulates the metabolism in a notable manner. All the arsenical derivatives, more or less possess in common this property; but arrhenal possesses the valuable advantage that its therapeutic action is not followed by a toxic tendency, as it happens with the mineral compounds of arsenic, and even in certain cases, with sodium cacodylate when it is administered by the mouth. In the therapeutic indications of pretuberculosis, when the index of organic mineralization has diminished in a notable manner, and when the tissues are exhausted and lacking vitality, therefore, their defensive powers being weak and exposed to be annulled by the invasion of *Bacillus Koch*, arrhenal has proven to be the therapeutic agent of more confidence to the physician. Even in certain cases of moderately advanced tuberculosis, according to the testimonies of Doctors A. Robin and A. Gautier of France, the appetite and strength reappear, sleep turns out normal, diminishes the cough and nocturnal dyspnea, and increases the weight of the patient. Strychnine is the most powerful tonic of the vegetable kingdom. Its stimulant action over the nervous system has been compared by numerous clinics with that obtained with the galvanic current. It is a great stimulant of the circulation and breathing, extensively used in the functional diseases of the nerves, in atonic dyspepsia, functional paralysis, impotency, muscular atrophy, tissue relaxation, amaurosis, asthenia, etc. The combined therapeutic action of these powerful medicinal agents that occupy first place in the *Materia Medica*, is what we here present to the medical profession in the form of an agreeable elixir under the name of Fosfarsinol. Fosfarsinol is, therefore, a powerful tonic and general vitalizing agent that acts by stimulating the cellular metabolism. Stops and repairs the organic waste, tonifying all the tissues of the organism; but with special action over the osseous and nervous systems. Fosfarsinol is therefore, indicated in all forms of Neurasthenia, Pretuberculosis, Osteomacia, Rickets, Hysteria, Epilepsy, Impotency, Premature old age, and in all such diseases that are due to a weak or exhaustive condition of the nerves and brain"; (carton, large size only) "For the brain and nerves, a real food for the nerve cells which it nourishes. * * * Repairs and stops the organic waste, acting as an energetic reconstituent of the cells. Its use is indicated in the diverse forms of Neurasthenia, caused by intense dismineralization, in Neuroanemia, Phosphaturia, Diabetes, Epilepsy, Hysteria, Rickets, Sexual Debility (Impotency), Osteomalacia, Premature Breakdown and in all cases of General Debility. * * * reconstituent for the brain and nerves."

On June 12, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21195. Adulteration and misbranding of National Stock Vigor and National Poultry Vigor. U. S. v. Thirteen 6-Pound Packages of National Stock Vigor, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29828. Sample nos. 26965-A, 26966-A.)

Examination of products involved in this case disclosed that the Stock Vigor would not increase production and profits, promote growth, and act as a general conditioner, and that the Poultry Vigor would not promote growth and increase production, which claims were made for the articles in the labelings. Examination further showed that the Stock Vigor contained no wormseed, and that the Poultry Vigor contained no cod liver oil, which were listed as ingredients, respectively, of the articles. The labels of both products also bore unwarranted curative and therapeutic claims.

On March 1, 1933, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of thirteen 6-pound packages and twenty-two 3-pound packages of National Stock Vigor and twenty-two 3-pound packages of National Poultry Vigor, at Tiffin, Ohio, alleging that the articles had been shipped in interstate commerce from Fort Laramie, Wyo., on or about November 21, 1932, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "National Stock Vigor [or "National Poultry Vigor"] * * * National Feeder's Corporation, Tiffin, Ohio."

Analyses of samples of the articles by this Department showed that the National Stock Vigor consisted essentially of calcium carbonate, magnesium sulphate, ferrous sulphate, sulphur, phosphates, and small proportions of nuxvomica, quassia, fenugreek seed, and traces of potassium iodide and chenopodium oil; and the National Poultry Vigor consisted essentially of calcium carbonate, magnesium sulphate, sulphur, and small proportions of iron oxide, capsicum, and quassia. Cod liver oil was not present in the National Poultry Vigor.

It was alleged in the libel that the articles were adulterated in that their strength and purity fell below the professed standard or quality under which they were sold, namely, (Stock Vigor) "Ingredients * * * Worm Seed"; (Poultry Vigor) "Ingredients * * * Cod Liver Oil."

Misbranding of the National Stock Vigor was alleged for the reason that the following statements appearing in the labeling were false and misleading, in view of the actual composition of the article: (Label) "Ingredients * * * Worm Seed * * * Vigor"; (leaflet) "Feed National Stock Vigor and Keep Your Live Stock in Perfect Condition * * * All Dairymen know that Success or Failure depends very largely upon a properly balanced ration. National Stock Vigor is highly concentrated and scientifically compounded in our own laboratory and makes, when added to common Salt, a balanced supplement for all Live Stock, * * * National Stock Vigor stimulates an appetite, promotes digestion and if fed regularly and according to directions will show an increased production * * * All Cattle will show a handsome profit if properly bred, housed, protected, and given a properly balanced ration. Constantly increased production is demanded and cattle raisers are seeking higher concentrates, so rich in proteins and carbo-hydrates, while but little attention has been paid to essential drugs and minerals that are really required to make a properly balanced ration. These elements are all supplied in proper ratio in this new and very highly concentrated product—Feed National Stock Vigor * * * National Stock Vigor shows a larger per cent of profit when feeding to hogs than any other live stock, as it assists in promoting the growth and earlier development; * * * The Horse * * * He should never be allowed to become unthrifty. National Stock Vigor Is a scientific product in concentrated form * * * causing a smooth, glossy coat and staying qualities, very beneficial in growing and fattening live stock * * * keeps them in good spirits" (white leaflet entitled "Sales Introduction"). "Mr. Stock-owner, if we can prove to you that we can protect every head of the stock you own without any extra cost to you, would you be interested?" Misbranding of the National Stock Vigor was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Label) A cut showing a hog full of worms with the legend "Worms Kill Hogs"; (coupon) "I hereby agree to use National Stock Vigor according to direction printed on package to justify the free use of a veterinary surgeon for diseases contracted after one month of consecutive feeding"; (leaflet) "The most common diseases among sheep are derangement

of the stomach, liver and bowels. * * * This will invigorate the stomach, liver and bowels, and in a majority of cases cause a speedy recovery. It aids in removing worms, * * * The most troublesome worms in sheep are the small threadlike worms which infest the stomach and sometimes enter the bowels, causing great prostration, loss of flesh, diarrhoea, etc. Feed National Stock Vigor regularly which will not only assist in preventing and curing worms but acts as a tonic to the stomach and bowels, correcting many disorders due to faulty digestion and thereby paying a nice profit. Yes. Worms Kill Hogs, but National Stock Vigor assists in Preventing Worms: Worms Kill Hogs * * * One-half Cent per day per head keeps your live stock well! 'We pay All Veterinary Bills If your Stock Becomes Sick After Thirty Days Feeding of our National Stock Vigor under our Veterinary Certificate, * * * prevent many of the common ailments to which the overworked cow is subject. * * * The Hog is not subject to many diseases but those to which he is susceptible are generally speaking malignant, epidemic or contagious diseases of a serious nature, and the successful hog raiser bends every energy to keep his herd in good, healthy condition to insure himself against loss from preventible diseases. Under any circumstances don't wait until your stock becomes sick. Use National Stock Vigor regularly and protect yourself against possible loss from hog diseases. * * * naturally more common diseases among hogs are materially reduced. * * * promotes the digestion. * * * National Stock Vigor contains all the essential elements needed to build up an animal from a diseased condition, and is recommended for all diseases of the stomach, kidneys and urinary organs, loss of appetite, vital energy, and all diseases arising from impure blood. * * * and produces a general tonic effect"; (service certificate) "This is to Certify, That National Feeder's Corporation, of Tiffin, Ohio, * * * does hereby agree to furnish a Veterinary Surgeon absolutely free when his stock becomes sick from any disease."

Misbranding of the National Poultry Vigor was alleged for the reason that the following statements appearing in the labeling were false and misleading: (label) "Ingredients * * * Cod Liver Oil. * * * For Production of Eggs"; (leaflet) "National Poultry Vigor is highly concentrated which makes it inexpensive in keeping your fowls healthy: promotes growth as well as production. * * * It supplies the elements necessary to build the body of the fowl for continuous peak production." Misbranding of the National Poultry Vigor was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Label) "For Sick Fowls:—Separate the sick fowls from those not already affected and give one tablespoonful daily for every 10 fowls"; (leaflet) "* * * which makes it inexpensive in keeping your fowls healthy."

On June 5, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21196. Adulteration and misbranding of National Yeastolized Medicated Salt and National Yeastolized Poultry Tonic. U. S. v. Ten 15-Pound Packages of National Yeastolized Medicated Salt, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29239. Sample nos. 15392-A, 15393-A.)

This case involved an interstate shipment of medicated salt and poultry tonic which were represented to contain yeast and cod liver oil. Examination showed that the products contained neither yeast nor cod liver oil.

On November 17, 1932, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of ten 15-pound packages and twenty 25-pound packages of National Yeastolized Medicated Salt and twenty 15-pound packages of National Yeastolized Poultry Tonic at Tiffin, Ohio, alleging that the articles had been shipped in interstate commerce on or about January 18, 1932, by Voris Mathers, from Fairfield, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analyses of samples of the articles by this Department showed that the National Yeastolized Medicated Salt consisted essentially of common salt with small proportions of other mineral matter and fenugreek; and that the National Yeastolized Poultry Tonic consisted essentially of calcium carbonate and other mineral matter and a small proportion of an iodine. Yeast and cod liver oil were not present in either article.

It was alleged in the libel that the articles were adulterated in that their strength and purity fell below the professed standard or quality under which they were sold, namely, "Yeastolized * * * contains yeast, cod liver oil."

Misbranding was alleged for the reason that the statements in the label, "Yeastolized * * * contains yeast, cod liver oil", were false and misleading.

On June 5, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21197. Adulteration and misbranding of aspirin tablets. U. S. v. 28,000 Packages of Aspirin Tablets. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30352. Sample nos. 35475-A, 35477-A.)

This case involved alleged 5-grain aspirin tablets which were found to contain $4\frac{1}{2}$ grains of aspirin per tablet.

On April 27, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28,000 packages of aspirin tablets at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on March 28, 1933, by the Hampton Manufacturing Co., from New York, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, "Tablets Aspirin Five Grains."

Misbranding was alleged for the reason that the statements on the label, (box) "Tablets Aspirin Five Grains" and (wholesale container) "Aspirin Tablets * * * Aspirin Five Grains", were false and misleading.

On June 8, 1933, the Mills Sales Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that the tablets be ground and recompressed into tablets containing 5 grains of aspirin.

M. L. WILSON, *Acting Secretary of Agriculture.*

21198. Misbranding of Normalettes and Alfine tea. U. S. v. Health Laboratories, Inc., Frank W. Bower, Herbert McCullough, and Parley T. Wright. Pleas of nolo contendere. Defendants McCullough and Wright each fined \$25 on each of 12 counts; fines suspended as to all counts but first. Defendants Health Laboratories and Bower each fined \$50 on each of 12 counts; fines suspended as to counts 5 to 12, incl. (F. & D. no. 30131. I. S. nos. 11065 to 11074, incl., 11080.)

This case was based on several interstate shipments of products known as Bowers Remedies Normalettes, which purported to be 10 different remedies and were labeled "Groups 1 to 10" inclusive and designated, respectively, "Catarrh", "Constipation", "Indigestion", "Tonic", "Rejuvenation", "Underweight", "Goiter", "Female Diseases", "Overweight" and "Growing Child"; also of a product called "Alfine Tea." Examination of the articles disclosed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. It also was claimed in the circular that the "Normalettes Growing Child Group 10" contained vitamins, whereas the article contained no appreciable amount, if any, of vitamins.

On April 7, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Health Laboratories, Inc., a corporation, Frank W. Bower, Herbert McCullough, and Parley T. Wright, all of Long Beach, Calif., alleging shipment by said defendants, on or about December 17, 1930, January 12, January 14, January 21, and January 29, 1931, from the State of California into the State of Oregon, of quantities of Normalettes and Alfine tea that were misbranded in violation of the Food and Drugs Act.

Analyses of samples of the articles by this Department showed that the various Normalettes consisted of tablets containing ground plant material coated with calcium carbonate and sugar, the group 2 Normalettes containing in addition small proportions of phenolphthalein and bile salts and the group

3 Normalettes containing in addition a starch digestant, charcoal, and sodium bicarbonate; and that the Alfine Tea consisted essentially of milk sugar (97 percent) with a small proportion of plant material.

It was alleged in the information that the "Catarrh Group 1" Normalettes was misbranded in that certain statements, designs, and devices regarding the curative and therapeutic effects of the article, appearing on the box label and in a circular, leaflet, and health chart shipped with the article, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for catarrh; effective as a healing agent for all forms of catarrh and inflammation of the mucous membranes of the body, wherever located; effective as an aid to digestion and assimilation of foods, and of beneficial effect upon the inflamed kidneys and bladder; effective as a preventive for getting up nights; effective as part of the respective diets for the several kinds of rheumatism and for neuritis and other nerve diseases caused by inflammation; effective as a remedy for catarrh and acidosis; effective as a remedy for head, stomach, kidney, bladder, and prostate ailments; effective as normalizing tissue salts; effective to promote health; effective when used alone or in connection with group 3 Normalettes as a treatment, remedy, and cure for catarrh of the stomach and indigestion; effective as a treatment, remedy, and cure for all forms of catarrh and inflammation of the membranes, coughs and difficult breathing, catarrh of the head, lungs, throat, stomach, intestines, vagina, and bladder; effective as a remedy for colitis, gastritis, tonsillitis, prostate gland trouble, and ulcers of the stomach; effective to correct diseases; effective to overcome disease and numerous ailments by supplying the life sustaining elements; effective as a general body normalizer; effective to act on the blood, mucous membranes, and organs of elimination other than the bowels and to tone up the entire system; effective when used alone or in connection with group 2 Normalettes to give easy bowel movement and quickly and permanently restore normal action; effective to improve the complexion, correct overweight and excessive fat, solid fat, and flabbiness; effective to decrease weight as desired; effective to correct underweight and to increase weight as desired; effective as a treatment for anemia and for those who are pale, weak, who easily tire and lack concentration; effective to improve the appetite, relieve distress after eating, gas in stomach, burning sensation (heartburn in stomach), continuous hunger, or gnawing stomach, sourness, coughing of mucus after meals, sluggish mind, and any stomach trouble; and effective as a treatment for constipation, looseness of bowels, gas on bowels, soreness of bowels, colic, piles, liver spots on skin, skin disease, bladder and kidney trouble, frequent urination, painful urination, discolored urine, swollen feet and ankles, frequent backache, any kidney or bladder trouble, nervousness, sleeplessness, worry, neuritis, neuralgia, despondency, irritability, sexual weakness, palpitation of the heart, any pain around the heart, pressure of gas around the heart, ailments of the head, throat, and lungs, catarrh in the head, 'droppings' in throat, tendency to catch cold easily, hay fever, asthma, difficult breathing, bronchitis, any lung or throat trouble, body pains, pains in muscles or joints, stiffness of joints, enlarged fingers and toes, enlargement of the thyroid gland, swelling inside or outside of the throat, suffocated feeling, painful neck glands, eye trouble, inflamed lids, watery eyes, headache, ear trouble, irregular, painful or profuse menstruation, any female trouble, and change of life.

Misbranding of "Group 2 Constipation" was alleged for the reason that certain statements in the labeling falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for constipation; effective as normalizing tissue salts; effective to promote health; effective to bring about a natural movement; effective as a splendid "liver agent"; effective to overcome disease; effective as a food for the bowels and to overcome constipation by strengthening the lower bowels; effective as a treatment, remedy, and cure for many diseases arising from constipation; effective as a treatment, remedy, and cure for headache, impure blood, backache, biliousness, piles, pimples, and that tired feeling; effective to act particularly on the expelling muscles of the lower bowels and upon the liver in cases of constipation; effective when used alone or in connection with group 1 Normalettes to tone up the entire system; effective to relieve constipation, looseness of the bowels, gas on the bowels, distress or soreness of bowels an hour or two after eating, colic, piles, any liver spots on the skin, and any skin disease.

Misbranding of the group 7 Goiter was alleged for the reason that certain statements in the labeling falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for goiter; effective as normaliz-

ing tissue salts; effective to promote health and to nourish the glands; effective to nourish the thyroid gland when enlarged with goiter; effective as a preventive and corrective in all forms of goiter, enlarged glands of the neck, goiter pains, diarrhoea, difficult breathing, hysteria, despondency, irritation, anemia, and emaciation; effective as a preventive and curative for all forms of goiter; effective to overcome goiter and its accompanying ailments, difficult breathing, hysteria, irritableness, diarrhoea, goiter pains, headaches, despondency, and various forms of menstrual troubles; effective to correct disease; effective as a treatment for numerous ailments and to overcome disease; effective when used alone or in connection with group 1 Normalettes to tone up the entire system; effective to correct overweight and underweight; effective as a treatment for ailments of the stomach and bowels, bladder and kidneys, nerves, heart, head, throat, and lungs; and effective as a treatment for body pains, neck glands, eye trouble, and impaired hearing.

Misbranding of the "Group 3 Indigestion" was alleged for the reason that certain statements in the labeling falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for indigestion; effective as normalizing tissue salts; effective to promote health; effective to relieve that heavy, weighty feeling of undigested food in the stomach and the alkalines of the intestines; and effective to greatly assist in the digestion; effective to overcome all digestive troubles, such as pains after eating, acid condition of the stomach, belching, gas, smarting tongue, and a feeling of weight in the stomach after eating; effective as a treatment for asthma; effective to promote the digestion of food both in the stomach and intestines; effective when used alone or in connection with Group 1 Normalettes to tone up the entire system; effective when used alone or in connection with Group 2 Normalettes to give easy bowel movement and quickly and permanently restore normal action; effective as a treatment for stomach trouble, distress after eating, gas in stomach, burning sensation (heartburn in stomach), continuous hunger or gnawing stomach, sourness, coughing of mucus after meals, sluggishness, gas on bowels, distress or soreness of bowels an hour or two after eating, colic, piles, liver spots on skin, and skin disease.

Misbranding of the group 4 Tonic was alleged for the reason that certain statements in the labeling falsely and fraudulently represented that the article was effective as a tonic; effective as normalizing tissue salts; effective to promote health; effective to nourish the glands of the body and as a nutrient, constructive, and invigorating tonic to nourish and repair the cellular tissues; effective as a treatment, remedy, and cure for anemia, neurasthenia, lassitude, melancholia, loss of ambition, impaired appetite and brain fog; effective as a brain, nerve, and blood builder, effective to give pep and vitality; effective to build up the weakened system, to make the body stronger, to promote circulation, and to resist sickness and disease; effective as a treatment for nervousness, that run-down condition, brain fog, lying awake at night, and general debility; effective as a special benefit in neurasthenia and anemia; effective to correct disease; effective when used alone or in connection with group 1 Normalettes to tone up the entire system; effective when used alone or in connection with group 2 Normalettes to give easy bowel movement and to quickly and permanently restore normal action; effective to correct overweight and underweight; effective as a treatment for ailments of the stomach, bowels, bladder and kidneys, nerves, heart, head, throat, and lungs; and effective as a treatment for body pains, neck glands, eye troubles, impaired hearing, and impaired menstruation.

Misbranding of "Group 5 Rejuvenation" was alleged for the reason that certain statements in the labeling falsely and fraudulently represented that the article was effective as a rejuvenator; effective as normalizing tissue salts; effective to promote health; effective to nourish the sex glands in both sexes; effective as a treatment for impotency in men and frigidity in women; effective as a treatment for the symptoms of sexual excesses, premature old age, general weakened condition of the sex glands and to restore lost vitality; effective as a treatment for rejuvenation of the sex glands; effective to renew the activity of the mind, secure freedom from disease, insure youthful ambitions and desires and a bright outlook on life; effective to tone up the entire sexual system and restore the vigor and general health of the body; effective when used alone or in connection with group 1 Normalettes to tone up the entire system; effective to correct underweight; effective as a treatment for anemia, pallor, weakness, fatigue, lack of concentration, and despondency; and effective as a treatment for sexual weakness.

Misbranding of the "Group 6 Underweight" was alleged for the reason that certain statements in the labeling falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for underweight; effective as normalizing tissue salts; effective to promote health; effective to aid the organs of assimilation in the storing of fat; effective as a treatment for those who are scrawny or emaciated, either constitutionally or from other causes no matter what they eat; effective as a treatment for the growing child; effective to restore normal weight; effective as a tonic for those suffering from underweight; effective to increase weight; effective as a treatment for underweight due to wasting disease, rapid growth, anemia, and undetermined causes; effective as a treatment for malnutrition; effective as a help to promote food assimilation; effective when used alone or in connection with group 1 Normalettes to tone up the entire system; effective when used alone or in connection with group 2 Normalettes to give easy bowel movement and quickly and permanently restore normal action; and effective as a treatment, remedy, and cure for underweight, anemia, pallor, weakness, fatigue, and lack of concentration.

Misbranding of the "Group 8 Female Diseases" was alleged for the reason that certain statements in the labeling falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for female diseases; effective as normalizing tissue salts; effective to promote health; effective to act beneficially upon the female organs when there is congestion or inflammation causing painful or delayed menstruation; effective as a builder for the anemic girl entering the puberty age and for the woman passing through the change of life period; effective to act beneficially upon the mammary glands of the nursing mother and to increase the flow and richness of the milk, and as a treatment, remedy, and cure for female disorders; effective as a treatment for all menstrual troubles, painful, scanty, profuse, or irregular menstruation, nervous or sick headache, backache, feebleness, slow and imperfect circulation and cold hands and feet; effective as of much service in overcoming the change of life troubles; effective to cause more and richer milk and healthier and stronger-boned babies; effective when used alone or in connection with group 1 Normalettes to tone up the entire system; effective when used alone or in connection with group 2 Normalettes to give easy bowel movement and quickly and permanently restore normal action; and effective as a treatment, remedy, and cure for irregular, painful, and profuse menstruation, any female trouble, and change of life period.

Misbranding of the "Group 9 Overweight" was alleged for the reason that certain statements in the labeling falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for overweight; effective as normalizing tissue salts; effective to promote health; effective to aid the system in taking care of the surplus fat; effective to eliminate the fat wrinkles or flabby flesh; effective to remove the corpulent abdomen in men and the excessive fat which accumulates about the internal organs; effective to remove gas and bloat of the stomach and bowels; effective to relieve the gas pressure about the heart; effective to strengthen the organs which absorb the fat and to remove fat from around the waists and hips in women and corpulent stomachs in men; effective as a treatment for shortness of breath, palpitation of the heart, dizziness, bladder weaknesses, gas on the stomach and bowels, and craving for sweets; effective when used alone or in connection with Group 1 Normalettes to tone up the entire system; effective when used alone or in connection with Group 2 Normalettes to give easy bowel movement and quickly and permanently restore normal action; effective when used alone or in connection with Groups 1 or 2 Normalettes, or when used alone or in connection with Groups 1 and 2 Normalettes, as a treatment, remedy, and cure for dropsical obesity, soft, flabby fat, solid muscular fat, swollen ankles and abdomen, diseases of the liver and kidneys, heart weakness, and glandular inactivity; effective to strengthen the heart action, overcome kidney trouble, and bring to normal functioning the thyroid and lymphatic glands, and to act upon the expelling muscles of the bowels and upon the torpid liver; effective as a treatment for the elimination of soft, flabby fat caused by overeating and satisfying an unnatural craving for sweets and starches, by inactivity of the thyroid and parathyroid glands or by improper elimination; effective as a treatment for increase in weight when accompanied by menopause or change of life; effective to quickly eliminate gas or bloat, acidosis, or a catarrhal condition of the system and to create a healthy condition of the mucous membranes, and to eliminate kidney and bladder weakness; effective to normalize and activate the thyroid and parathyroid glands so that they will properly perform the function

of controlling the amount of fat stored in the body; effective as a treatment for acidosis and kidney trouble; effective to carry off the fatty substance and to prevent its further accumulation; effective to entirely carry broken down fatty tissue out of the system; effective as a treatment, remedy, and cure for constipation; effective as a bowel builder and strengthener and to encourage natural elimination; effective to strengthen and build up a run-down system or unhealthy condition; effective to reduce weight and to insure a slim and youthful figure and to prevent the increase of fat on pregnant women and nursing mothers and to build up the child; and effective as a treatment, remedy, and cure for dizzy spells and gas on the stomach.

Misbranding of the "Group 10 Growing Child" was alleged for the reason that certain statements in the labeling falsely and fraudulently represented that the article was effective as a treatment for the growing child; effective as normalizing tissue salts; effective to promote health; effective as a treatment for the undernourished and anemic boy and girl who are below normal in growth mentally and physically, or who are growing too rapidly and lack the building materials for bone and body construction; effective as a treatment, remedy, and cure for general lassitude, 'growing pains', loss of appetite, malformed and chalky teeth, restlessness, and lack of application in all mental work in the growing child; effective as a strengthening food for bone, brain, and muscle in the growing child; effective as a treatment for ailments of the boy and girl during the puberty age, as a preventive of soft and brittle bones, malformed, chalky teeth, loss of appetite, bow legs, knock knees, and rickets in the growing child, and to help to strengthen the child who is anemic, under-nourished, and below normal mentally and physically; effective when used alone or in connection with group 1 Normalettes to tone up the entire system; effective when used alone or in connection with group 2 Normalettes to give easy bowel movement and quickly and permanently restore normal action; effective as a treatment for overweight, underweight, stomach, bowel, bladder and kidney troubles, nervousness, heart affections, ailments of the head, throat and lungs, body pains, neck glands, eye trouble, and impaired hearing. Misbranding was alleged for the further reason that the statement "Normalettes Group 10 contains * * * vitamins", in the circular shipped with the article was false and misleading, since the article contained no appreciable amount, if any, of vitamins.

Misbranding of the Alfine tea was alleged for the reason that certain statements regarding the curative and therapeutic effects of the article, appearing on the can label, falsely and fraudulently represented that the article was effective to normalize the body and to alkinize (alkalize) the system, and effective to aid digestion and to promote health.

On April 24, 1933, pleas of nolo contendere were entered on behalf of all defendants. Defendants Herbert McCullough and Parley T. Wright were each sentenced to pay a fine of \$25 on each of the 12 counts with sentence suspended on all counts but the first. On May 8, 1933, the court sentenced the Health Laboratories, Inc., and Frank M. Bower to pay a fine of \$50 on each count of the information with sentence suspended for a period of 2 years on counts 5 to 12, inclusive.

M. L. WILSON, *Acting Secretary of Agriculture.*

21199. Adulteration and misbranding of Burbank Tea (dried alfalfa). U. S. v. 51 Packages of Dried Alfalfa. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30124. Sample no. 36594-A.)

This case involved a shipment of dried alfalfa sold under the name of Burbank American Vegetable Tea. The labeling of the article bore unwarranted curative and therapeutic claims; it was also labeled to convey the erroneous impression that it was tea of the Orange Pekoe type; the label failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement appeared inconspicuously on the rear panel of the carton.

On April 26, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 51 packages of dried alfalfa at Chicago, Ill., alleging that the article had been shipped in interstate commerce, March 28, 1932, by the California Vegetized Products Co., from Burbank, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton)

"Burbank American Vegetable Tea Orange Pekoe Type Green * * * 5 oz when packed Vegetized Foods, Inc. Burbank, California."

Analysis of a sample of the article by this Department showed that it consisted of dried alfalfa.

It was alleged in the libel that the article was adulterated in that dried alfalfa had been substituted for tea of the Orange Pekoe type which the article, by reason of the labeling, purported to be.

It was further alleged in the libel that the article was misbranded under the provisions of the act relating to food, in that the statement on the label, "Green Tea Orange Pekoe Type", was false and misleading and deceived and misled the purchaser; for the further reason that the article was offered for sale under the distinctive name of another article; and for the further reason that it was in package form and did not bear a plain and conspicuous statement of the quantity of the contents. Misbranding was alleged under the provisions of the act relating to drugs, in that the following statements regarding its curative or therapeutic effects were false and fraudulent: (Circular) "* * * so necessary for maintenance of normal blood plasma . . . restoring alkaline reserve . . . and assuring system alkalization. * * * Containing proteins and immediately available materials for the construction of haemoglobin and red blood corpuscles . . . recommended as a tonic in nutritional and secondary anaemias, general blood impoverishment, dietary deficiencies, malnutrition and gastro-intestinal disturbances, and debilitated states. The frequent drinking of Burbank Vegetable Tea in conditions associated with loss of appetite, nervousness, and sensitiveness of the gastro-intestinal tract should increase the appetite and stimulate digestion and assimilation . . . resulting in improved intellectual and physical vigor and body weight. * * * restores a healthy tone to the nervous system, stimulates the function of nutrition . . . assists in regulating constructive metabolism . . . increased energy production and muscle tone. Serving as a universal tonic in convalescence from illness or surgical operations . . . for overworked business men and weak, nervous women. Every child's diet should be supplemented with Burbank Vegetable Tea as children often refuse to eat a sufficient quantity or variety of vegetables to supply the necessary mineral elements. The result is often a languid, irritable child who is pale and underweight . . . who lacks resistance to disease . . . who suffers from colds and constipation . . . poor eyesight . . . soft, chalky teeth that decay easily . . . and who is generally run down and anaemic. For * * * Children * * * invaluable for grown-ups and children. * * * One child in three is undernourished, not necessarily from lack of food, but from lack of the proper elements of food. * * * They will like the rich, nourishing flavor, and at every serving they will get a portion of their daily requirement of health-building and protecting mineral salts. For Expectant and Nursing Mothers Child bearing and child nursing mean an extra demand upon the strength and energy of the mother . . . and a severe loss of calcium during the period of gestation, which must be replaced to preserve the mother's teeth and assure the future integrity of the teeth of the child. To assist in supplying this important element, drink Burbank Tea copiously and frequently. In Old Age * * * assist digestive function, which is often weak or impaired. * * * As a refreshing restorative in mental and physical fatigue and proper functioning of the digestive tract with improved elimination through the kidneys. * * * For its invigorating, strengthening, tonic properties and to assist in supplying the loss of Iron, Calcium, Phosphorous, and other necessary elements."

On June 15, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21200. Adulteration and misbranding of aspirin tablets. U. S. v. 3¾ Dozen Bottles of Aspirin Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30404. Sample no. 38060-A.)

This case involved an interstate shipment of alleged 5-grain aspirin tablets which, upon analysis, were found to contain less than one half the amount of aspirin (acetylsalicylic acid) claimed.

On May 3, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3¾ dozen bottles of

aspirin tablets at Allentown, Pa., alleging that the article had been shipped in interstate commerce on or about February 23, 1933, by the Mills Sales Co., New York, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely, (bottle label) "Tablets Aspirin Acetyl Salicylic Acid Five Grains."

Misbranding was alleged for the reason that the statement on the label, "Tablets Aspirin Acetyl Salicylic Acid Five Grains", was false and misleading.

On May 31, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21201. Adulteration and misbranding of Vitamized Stock Compound and Vitamized Poultry Compound, Vi-Te-Ma Stock Compound, Vi-Te-Ma Poultry Compound, and Yeastolized Medicated Stock Salt. U. S. 25 6-Pound Packages, 335 Three-Pound Packages of Vitamized Stock Compound, et. al. Default decrees of destruction entered. (F. & D. nos. 29023 to 29035, incl., 29246, 30374. Sample nos. 29691, 29692, 29693, 29694, 29824, 29827, 29832, 29976, 30374. Sample nos. 13423-A to 13435-A, incl., 15366-A to 15375-A, incl., 15377-A to 15386-A, incl., 15390-A, 15391-A, 15394-A, 15395-A, 15398-A, 15399-A, 15400-A, 26726-A to 26747-A, incl., 26967-A, to 26970-A, incl., 26972-A, 26973-A, 27046-A, 27047-A, 35108-A, 35109-A.)

These cases involved a large number of shipments of Vitamized Stock Compound and Vitamized Poultry Compound. There were also included in the cases a few lots of Vi-Te-Ma Stock Compound and Vi-Te-Ma Poultry Compound and one lot of Yeastolized Medicated Stock Salt. The articles were represented to be stock and poultry conditioners containing yeast and cod-liver oil. Examination failed to detect any appreciable amount of yeast or cod-liver oil in any of the samples; in many samples neither yeast nor cod-liver oil was found. Certain circulars, leaflets, coupons, etc., one or more of which were shipped with most of the lots, as well as statements on the carton labels of portions of the articles, bore claims that they would aid production, increase profits, etc.; whereas they were valueless for such purposes. The labels in the greater number of the shipments of the Vitamized Stock and Poultry Compounds and the Vi-Te-Ma Stock and Poultry Compounds also bore unwarranted curative and therapeutic claims.

On October 14, 1932, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of ninety-six 3-pound packages of Vitamized Stock Compound and seventy-two 3-pound packages of Vitamized Poultry Compound, in part at Russell Springs, Ky., and in part at Horse Shoe Bottom, Ky., alleging that the articles had been shipped in interstate commerce by the Vitamized Products Co., from Fostoria, Ohio. On October 13, 1932, the United States attorney for the Eastern District of Kentucky filed libels against twenty-five 6-pound and three hundred and thirty-five 3-pound packages of Vitamized Stock Compound and one hundred and sixty-seven 3-pound packages of Vitamized Poultry Compound, in various lots at Paris, Irvine, Old Landing, Nathanton, and Barbourville, Ky., which had been shipped in interstate commerce by the Vitamized Products Co., from Fostoria, Ohio. On May 3, 1933, a libel was filed in the Eastern District of Kentucky against forty-seven 3-pound packages, two 6-pound packages, and one hundred 4-ounce packages of Vitamized Stock Compound, and forty-seven 3-pound packages of Vitamized Poultry Compound at Cynthiana, Ky., which had also been shipped from Fostoria, Ohio. The libels alleged that the articles had been shipped from the State of Ohio into the State of Kentucky and that they were adulterated and misbranded in violation of the Food and Drugs Act as amended. The above shipments into Kentucky were made between July 23 and September 12, 1932.

Between November 21, 1932 and May 22, 1933, there were libeled in the Northern District of Ohio, at Tiffin and Fostoria; in the Southern District of Ohio, at Cincinnati; in the Southern District of Indiana at Indianapolis; and in the Eastern District of Virginia, at Richmond; a total of 1,625 packages of Vitamized Stock Compound, 813 packages of Vitamized Poultry Compound, 213 packages of Vi-Te-Ma Stock Compound, 142 packages of Vi-Te-Ma Poultry Compound, and 24 bags of Yeastolized Medicated Stock Salt. These goods, which consisted of returned shipments in possession of the railroads, and which

had been shipped in interstate commerce from various points into the States and districts where they were located at the time of seizure, were also adulterated and misbranded.

Analyses of samples of the articles by this Department showed that the Stock Compound consisted essentially of calcium carbonate, magnesium sulphate, ferrous sulphate, small proportions of sulphur, quassia, and fenugreek seed, and traces of nux vomica and potassium iodide; and that the Poultry Compound consisted essentially of calcium carbonate, magnesium sulphate, iron oxide, small proportions of sulphur, quassia and capsicum, and a trace of potassium iodide. Yeast and cod-liver oil were not present in either article. The Yeastolized Medicated Salt consisted essentially of common salt, with small proportions of other mineral matter and fenugreek. Yeast and cod-liver oil were not present.

The libels alleged that all of the said articles were adulterated in that their strength fell below the professed standard under which they were sold, namely: (Vitimized Stock Compound) "Ingredients Dry Yeast, Cod Liver Oil"; (Vitimized Poultry Compound) "This compound contains the following ingredients Yeast, Cod Liver Oil"; (portion of Poultry Compound) "The essential Vitamins"; (Vi-Te-Ma Stock Compound) "Contains Dry Yeast, Cod Liver Oil. Ingredients: Dry Yeast Cod Liver Oil"; (Vi-Te-Ma Poultry Compound) "Yeast, Cod Liver Oil"; Yeastolized Medicated Stock Salt) "Least olized * * * Contains Yeast, Cod Liver Oil."

The libels further alleged that the articles were misbranded in that the forementioned statements were false and misleading in view of the composition of the products. Misbranding was alleged with respect to various lots of the Vitimized Stock and Poultry Compounds and the Vi-Te-Ma Stock and Poultry Compounds for the further reason that certain statements appearing in the labeling were also false and misleading. The following extracts from the labeling of portions of the product are characteristic of the false and misleading statements appearing in a large number of the shipments: (Vitimized Stock Compound, carton) "Vitimized * * * Contains the Essential Vitamines in Combination with the Necessary Minerals"; (Vitimized Stock Compound, leaflet) "Large Savings to Farmers and Feeders * * * Vitimized Stock Compound is a highly concentrated product scientifically compounded in our own laboratory, making when added to common salt, a balanced vitimized and mineralized supplement for all live stock. Cattle bring large or small returns * * * depends upon a properly balanced ration containing the essential vitamines, Yeast and Cod Liver Oil in combination with the necessary minerals in order to make cows profitable during forced production. If these are not provided in sufficient quantities the increased milk flow is taken from the body of the animal. Besides this is a scientific vitimized product which causes a rapid growth * * * It pays many times the cost to feed to a single cow as well as the large dairy herd. The Horse * * * should never be allowed to become unthrifty or in a run down condition. Vitimized Stock Compound is a scientific vitimized product which contains all the elements necessary to build up a horse from a diseased condition—contains the essential vitamines, Yeast and Cod Liver Oil in combination with the necessary minerals which are scientifically compounded * * * Very beneficial in the growing and fattening of live stock by increasing the appetite and thoroughly invigorating the entire system causing a smooth glossy coat, good spirits and staying qualities. Make Your Dollar Count * * * realizing the hog raiser has a great deal to contend with we have developed through years of careful research by experienced, scientific feeders. Vitimized Stock Compound * * * contains the essential vitamines—Yeast and Cod Liver Oil which in combination with the proper minerals * * * promotes a more rapid growth with earlier development, less feeding being required and the vitality being increased. This product contains the essential Vitamines in combination with the proper minerals which not only cause a rapid growth, but in the majority of cases causes a speedy recovery * * * exceptionally beneficial for sheep due to the fact that it contains the all essential Vitamines Vitimized Stock Compound * * * increases the vitality and causes a rapid growth"; (Selling Instructions for Local Agents) "Mr. . . . if we can prove to you that we can show a substantial increase in milk, put more flesh and lard on hogs, * * * wouldn't you be interested?"; (Poultry Compound) "For Production of Eggs—Give a tablespoonful well mixed with ground feed or mash twice a week for every twelve fowls. Chick Food. For Turkeys, Ducks and Geese—Give one tablespoonful every other day for every ten fowls; this will cause a rapid growth

and place the birds on the market in a much shorter time. This Compound contains the Essential Vitamines in combination with the necessary minerals. For Production of Eggs Chick Food"; (circular with "Free Goods" and samples) "Vitamized Poultry Compound * * * supplying as it does the elements required to build and maintain the body of the fowl for continued peak production. * * * Feed it regularly and watch your production increase"; (Vi-Te-Ma Stock Compound) "Highly recommended for fattening live stock, as well as assists in increasing production"; (Vi-Te-Ma Poultry Compound) "For Production of Eggs * * * Highly recommended for Poultry of all ages, chickens, turkeys, geese and ducks, pigeons, rabbits, etc. for growth and production."

Misbranding of the said Vitamized and Vi-Te-Ma stock and poultry compounds was alleged for the further reason that certain statements appearing in the labeling, regarding the curative and therapeutic effects of the articles, were false and fraudulent: The following extracts from the labeling of portions of the product are characteristic of the false and fraudulent statements appearing in a large number of the shipments:

Vitamized Stock Compound, carton) [Picture showing a hog infested with worms bearing the legend, "Worms Kill Hogs"] "Will invigorate and tone up the system of your livestock"; (coupon) "I hereby agree to use Vitamized (or "Vi-Te-Ma") compound according to directions printed on package, to justify the free use of a veterinary surgeon for diseases contracted after one month of consecutive feeding"; (circular) "Healthy Live Stock pays a nice profit, while unthrifty animals usually show a loss. * * * Causes a rapid growth, prevents disease as well as many other ailments to which the overworked cow is subject. * * * The Horse * * * should never be allowed to become unthrifty or in a run down condition. Vitamized Stock Compound * * * contains all the elements necessary to build up a horse from a diseased condition. We recommend it for all diseases of the stomach, kidneys and urinary organs, loss of appetite and vital energy. Very beneficial in the growing and fattening of live stock by increasing the appetite and thoroughly invigorating the entire system, causing a smooth, glossy coat, good spirits and staying qualities. * * * removes worms, promotes a more rapid growth with earlier development, less feeding being required and the vitality being increased, naturally the more common diseases among hogs are very materially reduced. (Cut depicting hog infested with worms, carrying the legend "Worms Kill Hogs.") The more common diseases in Sheep are derangement of stomach, liver and bowels. Give your sheep one-fourth pound of Vitamized Stock Compound per week and watch results. This product * * * not only causes a rapid growth, but in the majority of cases causes a speedy recovery. Vitamized Stock Compound removes worms, increases the vitality and causes a rapid growth; assists in curing and preventing many of the common diseases that are prevalent among sheep"; (Selling Instructions for Local Agents) "In order to properly present the proposition to the stock owners in your territory we have sketched below our selling system in the form which you can use when selling these products * * * Mr. . . . if we can prove to you that we can * * * keep all of your live stock in a good, healthy condition, wouldn't you be interested? In addition to this we furnish a Veterinary service in case your live stock becomes sick after using this product for a period of thirty days. This is necessary in order to get the system in condition to ward off disease. otherwise we would not be able to make so liberal a guarantee. A three pound package of Vitamized Stock Compound * * * Sale * * * hundred pounds, when mixed makes you one hundred and three pounds of a good live stock conditioner"; (Vitamized Poultry Compound, circular) "Realizing the loss sustained by lack of care as well as disease we have formulated Vitamized Poultry Compound"; (Vitamized and Vi-Te-Ma Poultry Compounds, carton) "For Sick Fowls: Separate the sick fowls from those not already affected and give one tablespoon daily for every 10 fowls."

On February 1, April 25, and April 26, 1933, judgments were entered in the Southern District of Ohio ordering that the products be destroyed by the United States marshal. Similar decrees were entered in the Eastern District of Kentucky on April 11, and September 7, 1933; in the Eastern District of Virginia on April 21, 1933; in the Western District of Kentucky on May 17, 1933; in the Southern District of Indiana on May 27, 1933, and in the Northern District of Ohio on June 5, and June 15, 1933.

M. L. WILSON, *Acting Secretary of Agriculture.*

21202. Adulteration and misbranding of Vi-Te-Ma Stock Compound, Vi-Te-Ma Poultry Compound, Vitamized Stock Compound, and Vitamized Poultry Compound. U. S. v. Forty-eight 3-pound Packages of Vi-Te-Ma Stock Compound, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29242, 29550, 25551, 29826, 30370, 30375, 30452. Sample nos. 15387-A, 15388-A, 15389-A, 18032-A, 18217-A, 18218-A, 26959-A, 26960-A, 26963-A, 26964-A, 33641-A, 33642-A, 35376-A, 35377-A, 35378-A.)

These cases involved various drug preparations sold as stock and poultry conditioners, containing yeast and cod-liver oil. No yeast or cod-liver oil were detected in the samples examined. Examination further disclosed that they would not promote growth, fattening, and productivity of livestock and poultry as claimed, also that they contained no ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On November 21, 1932, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 98 packages of Vi-Te-Ma Stock Compound and 48 packages of Vi-Te-Ma Poultry Compound at Tiffin, Ohio. Between November 30, 1932, and May 17, 1933, libels were filed in the District of Montana, the Northern District of Ohio, the Southern District of Ohio, the Northern District of Florida, the Western District of Louisiana, and the Northern District of Alabama against various lots of Vi-Te-Ma stock and poultry compounds, at Hobson, Mont.; Tiffin, Ohio; Cincinnati, Ohio; Pensacola, Fla.; Breaux Bridge, La.; and Yolande, Ala.; respectively.

The libels filed in the Northern District of Florida and in the Western District of Louisiana, alleged shipment of 225 packages of Vi-Te-Ma Stock Compound and 22 packages of Vi-Te-Ma Poultry Compound by the Vi-Te-Ma Products Co. from Fostoria, Ohio, into the States of Florida and Louisiana, on or about December 1 and December 17, 1932. The libels filed in the Districts of Montana and Northern Alabama charged shipments of 507 pounds and 144 packages of Vi-Te-Ma Stock Compound and 60 pounds and 24 packages of Vi-Te-Ma Poultry Compound from Fostoria, Ohio, on or about August 17, 1932, and December 2, 1932. The remaining libels covered 216 packages of the stock compounds and 117 packages of the poultry compounds which were returned shipments in possession of the railroad at Tiffin and Cincinnati, Ohio.

Analyses of samples of the articles by this Department showed that the stock compound consisted essentially of calcium carbonate, magnesium sulphate, and ferrous sulphate, small proportions of sulphur, quassia, and fenugreek seed, and traces of nux vomica and potassium iodide; and that the poultry compound consisted essentially of calcium carbonate, magnesium sulphate, and iron oxide, small proportions of sulphur, quassia and capsicum, and a trace of potassium iodide. Yeast and cod-liver oil were not present in either article.

The libels filed in all districts, with the exception of the District of Montana, charged adulteration in that the strength of the article fell below the professed standard or quality under which they were sold, namely: (Vi-Te-Ma and Vitamized stock compounds) "Ingredients Dry Yeast, Cod Liver Oil"; (Vi-Te-Ma Poultry Compound) "Containing the following ingredients, Yeast, Cod liver oil."; (Vitamized Poultry Compound) "This Compound contains the following ingredients, Yeast, Cod Liver Oil."

Misbranding was alleged in all libels for the reason that the statement on the labels representing that the articles contained yeast and cod liver oil were false and misleading. Misbranding was alleged for the further reason that the following or similar statements appearing on the labelings of the greater number of the lots, were also false and misleading: (Vi-Te-Ma Stock Compound, label) "Highly recommended for all live stock: Horses, Cattle, Sheep and Hogs. For growing and fattening live stock as well as assists in increasing production. Ingredients:—Dry Yeast, Cod liver oil * * * Vi-Te-Ma"; (Vi-Te-Ma Poultry Compound, label) "Containing the following ingredients: Yeast, Cod liver oil, * * * For Production of Eggs. * * * Highly recommended for poultry of all ages, Chickens, Turkeys, Geese and Ducks, Pigeons, Rabbits, etc., for growth and production * * * Vi-Te-Ma"; (Vitamized Stock Compound) "Ingredients Dry Yeast, Cod Liver Oil, * * * Contains the Essential Vitamins in combination with the Necessary Minerals * * * Vitamized"; (Vitamized Poultry Compound, label) "This Compound contains the following Ingredients: Yeast, Cod Liver Oil, * * * This Compound contains the essential Vitamins in combination with the necessary Minerals. * * * For Production of Eggs— * * * Chick Food * * * Vitamized for Turkeys, Ducks and Geese— * * * this will cause a rapid growth and place the birds on the market in a much shorter time."

Misbranding was alleged for the further reason that the following statements appearing on the labeling of the greater number of the lots were false and fraudulent: (Vi-Te-Ma Stock Compound, coupon) "I hereby agree to use Vi-Te-Ma Compound according to directions on the package to justify the free use of a veterinary surgeon for diseases contracted after one month of consecutive feeding"; (Vi-Te-Ma and Vitamized Poultry Compound) "For sick fowls, separate the sick fowls from those not already affected and give one tablespoonful daily for every 10 fowls"; (Vitamized Stock Compound, label) A cut showing a hog full of worms bearing the legend "Worms Kill Hogs"; (coupon) "I hereby agree to use Vitamized Compound according to directions printed upon package to justify the free use of a veterinary surgeon for diseases contracted after one month of consecutive feeding."

No claimant appeared in the cases. On January 10, 1933, judgment of condemnation and forfeiture was entered in the case instituted in the District of Montana, and it was ordered by the court that the products be destroyed. Decrees of condemnation and destruction were entered in the remaining cases between April 26 and August 5, 1933.

M. L. WILSON, *Acting Secretary of Agriculture.*

21203. Adulteration and misbranding of Mayo's dentifrice. U. S. v. Mayo's Laboratories, Inc. Plea of guilty. Fine, \$3 and costs. (F. & D. no. 27561. I. S. no. 36956.)

This case was based on an interstate shipment of Mayo's dentifrice, the labeling of which bore antiseptic and therapeutic claims. Examination disclosed that the article was not an antiseptic when used as directed, and that it contained no ingredients or combination of ingredients capable of producing certain therapeutic effects claimed.

On May 23, 1932, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Mayo's Laboratories, Inc., Oklahoma City, Okla., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about June 1, 1931, from the State of Oklahoma into the State of Texas, of a quantity of Mayo's dentifrice which was adulterated and misbranded. The article was labeled in part: (Bottle) "Mayo's Dentifrice"; (carton) "Mayo's Pyorrhea Remedy An antiseptic, * * * Mayo's Laboratories, Inc., Oklahoma City, Okla."; (circular) "Acts as an antiseptic."

Analysis of a sample of the article by this Department showed that it consisted essentially of sodium sulphocarbolate, soap, glycerin, and water, colored with a red dye. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be an antiseptic, whereas it was not an antiseptic.

Misbranding was alleged for the reason that the statement, "An Antiseptic" on the carton, and the statement, "Acts as an antiseptic" in the circular, were false and misleading, since the article was not an antiseptic, and would not act as an antiseptic. Misbranding was alleged for the further reason that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the cartons and in the circular, falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for pyorrhea, and as a treatment for trench mouth and gum troubles; effective to tone, strengthen, and harden the gums; effective to combat pyorrhea and other disturbances of the gums from any cause; effective to make soft bleeding gums firm and healthy; effective as a treatment for pyorrhea and other gum infections; effective to heal soft, bleeding gums; effective to relieve pyorrhea, Riggs disease, sore or bleeding gums, sore throat, and all disturbances of the mouth, and as a preventive of pyorrhea; and effective to tighten the teeth and to keep the gums in a healthy condition.

On June 3, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$3 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21204. Misbranding of Anticol. U. S. v. 240 Packages of Anticol, A Vapor-ous Inhalant. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30473. Sample no. 23413-A.)

This case involved a drug preparation which contained undeclared alcohol. On May 17, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the

District Court a libel praying seizure and condemnation of 240 packages of the said Anticol at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about January 25, 1933, by the Apex Laboratories, Inc., from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that it consisted essentially of volatile oils (19 percent) including menthol and lavender oil, and alcohol (approximately 79 percent).

It was alleged in the libel that the article was misbranded in that its package or label failed to bear a declaration of the quantity or proportion of alcohol contained in the article.

On August 9, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21205. Misbranding of Merrell's Penetrating Oil. U. S. v. 70 Bottles of Merrell's Penetrating Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30533. Sample no. 33288-A.)

Examination of the drug preparation Merrell's Penetrating Oil disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and bottle labels.

On June 2, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 bottle of Merrell's Penetrating Oil at Dallas, Tex., alleging that the article had been shipped in interstate commerce, on or about December 3, 1932, by the Dick Dunn Drug Products Co., from St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of volatile oils including turpentine oil and eucalyptol.

It was alleged in the libel that the article was misbranded in that the following statements on the bottles and cartons, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Bottle) "For Toothache, apply the Oil to the gum around the aching tooth * * * also rub on the outside over the aching jaw. For Earache * * * For Cramps, or any severe gripping pain in the stomach or bowels, take 10 to 15 drops on sugar (children in proportion.) In severe cases repeat in half-hour and apply externally over pain"; (carton) "For * * * Rheumatism, * * * Cramps, Toothache, Lame Back, Stiff Joints, etc."

On September 25, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21206. Misbranding of Yob-I-Ana Dulce. U. S. v. 426 Packages and 53 Packages of Yob-I-Ana. Default decree of condemnation and destruction. (F. & D. nos. 29942, 30469. Sample nos. 34089-A, 35379-A.)

Examination of the drug preparation, Yob-I-Ana Dulce, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton labels and in the leaflets and testimonials shipped with the article.

On March 16, 1933, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 426 packages of Yob-I-Ana at Little Rock, Ark. On May 19, 1933, the United States attorney for the Western District of Louisiana, filed a libel against 53 packages of Yob-I-Ana at Shreveport, La. It was alleged in the libels that the article had been shipped in interstate commerce by the Dulce Laboratories from Dallas, Tex., in part on or about February 25, 1933, and in part on or about March 14, 1933, and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of petrolatum, small proportions of volatile oils such as citronella oils and peppermint oil, and a rubefacient such as red pepper extract

It was alleged in the libel filed in the Eastern District of Arkansas, that the article was misbranded in that the following statements regarding its curative or therapeutic effects were false and fraudulent: (Carton) "The Old Young * * * The Young Stronger * * * relief of Impotency"; (carton leaflet) "Increasing Masculine Vitality. * * * Strengthening of Masculine Vitality."

Misbranding was charged in the libel filed in the Western District of Louisiana, for the reason that the following statements regarding the curative and therapeutic effect of the article were false and fraudulent: (Carton leaflet) "An Immediate Aid to the Relief of Impotency, or for Increasing Masculine Vitality A Stimulant, Immediate in Its Effect * * * Directions: Several minutes beforehand or upon retiring, apply the contents of one white capsule to the regenerative organs, massaging well into the skin. Further applications from white capsules may be made as often as desired or found necessary, but never until the sensations created by the first have completely disappeared. Doubly effective results may be obtained by application of the special Yobiana ointment in the pink capsule six to eight hours beforehand, continuing with use of white capsules as described above"; (leaflet) "Aid to the Relief of Impotency and the Strengthening of Masculine Vitality Immediate In Its Effect The Old Young The Young Stronger * * * immediate aid in the relief of impotency. * * * The description of the product on the outer wrapper, as well as the directions for its use, are expressed in language best intended to describe its purposes and yet relieve it of all suggestiveness or vulgarity. The salesman will be glad to explain in terms best suited to each particular case the merits of his product. * * * effective for adults of any age. * * * when directions are carefully followed should produce results equal to your greatest expectations."

On June 12 and July 25, 1933, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21207. Misbranding of Oculum. U. S. v. The Hancock Inoculum Co., Inc.
Plea of nolo contendere. Fine, \$10. (F. & D. no. 28162. I. S. no. 47613.)

Examination of the drug preparation Oculum disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels and in a circular shipped with the article.

On March 22, 1933, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Hancock Inoculum Co., Inc., Salem, Va., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about March 28, 1931, from the State of Virginia into the State of Indiana, of a quantity of Oculum which was misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of turpentine colored with a yellow dye.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices appearing on the bottle and carton labels and in a circular shipped with the article, falsely and fraudulently represented that it was effective as a germicide for fowls and animals, as a preventive of disease, and as a treatment for sickness, in fowls and animals; effective as a germicide and tonic for poultry; effective as a remedy, preventive, and relief for cholera, roup, white diarrhea and sorehead, and to relieve gapes in poultry; effective to keep chicks and chickens well and to ensure healthy fowls and healthy eggs; and effective as a treatment, remedy, and cure for sickness in animals, and bowel trouble in poultry.

On July 5, 1933, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

21208. Misbranding of Bromo Paper. U. S. v. 10 Cases of Bromo Paper.
Default decree of condemnation, forfeiture, and destruction.
 (F. & D. no. 30692. Sample no. 23455-A.)

Examination of the product involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On July 3, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of Bromo Paper at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about April 8, 1933, by the Diamond Mills Paper Co., from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of tissue paper impregnated with a small proportion of mineral oil and a very small proportion of phenol.

It was alleged in the libel that the article was misbranded in that the statement on the label and circular, regarding the curative or therapeutic effect of the article, "A Positive Preventive of that most distressing and almost universal complaint, the Piles", was false and fraudulent.

On July 25, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21209. Misbranding of Eyetex. U. S. v. 194 Boxes of Eyetex. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30413. Sample no. 35480-A.)

Examination of the drug preparation Eyetex disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and envelop container.

On May 5, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 194 boxes of Eyetex at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about October 3, 1932, by the Mills Sales Co., from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of table salt, baking soda, and borax with small proportions of thymol, sodium benzoate, sodium salicylate, and hydrastine, colored yellow.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects were false and fraudulent; (Carton) "Eyetex"; (envelop) "Eyetex An antiseptic to the eye Directions for using Moistened Eyetex pads well with warm water then place over eyes and fasten securely by tying strings at back of head. * * * For relief in severe cases of Granulated, Red or Inflamed eyes, Styes and Eyestrain, best results will be obtained by using Eyetex before retiring and allowing to remain on eyes until morning. * * * Eyetex used for one hour while resting will bring back the lustre and beauty to Tired, Drawn and bloodshot eyes. * * * Eyetex is a quick and efficient treatment."

On June 16, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21210. Misbranding of Alberty's Calcatine and Alberty's Liver Cell Salts (Alberty's Lebara Organic Pellets). U. S. v. 96 Dozen Packages of Alberty's Calcatine, et al. Consent decrees of condemnation and forfeiture. Products released under bond to be relabeled. (F. & D. nos 30385, 30386, 30457, 30458. Sample nos. 34867-A to 34871-A, incl.)

Examination of the drug preparations involved in these cases disclosed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On May 1 and May 12, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 156 dozen packages of Alberty's Calcatine, 30 dozen packages of Alberty's Liver Cell Salts, and 30 dozen bottles of Alberty's Lebara Organic Pellets, formerly Liver Cell Salts, at Philadelphia, Pa. It was alleged in the libels that the articles had been shipped in interstate commerce, in part from Hollywood, Calif., and in part from Los Angeles, Calif.; that the shipments had been made between the dates of March 25, 1932, and March 25, 1933, by U. S. Okey; and that the articles were misbranded in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that Alberty's Calcatine consisted of tablets composed essentially of milk sugar with 0.06 percent of inorganic material, principally calcium salts, phosphate, and traces of sodium, potassium, iron, magnesium, and chlorine compounds; and that the Alberty's Lebara Organic Pellets, formerly Liver Cell Salts, consisted essentially of milk sugar with 0.04 percent of inorganic material, principally calcium salts, phosphate, and traces of sodium, potassium, iron, magnesium, and chlorine compounds.

The labels alleged that the articles were misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the articles, were false and fraudulent: (Bottle label of portion of Calcatine) "Cell and Tissue Salts * * * Chief Remedy for the Growing Organism and for Correcting Constitutional Defects Uses—Acidosis, indigestion, calcium starvation, diarrhea, brain irritation, teething children. A Tonic after acute diseases and for constitutional weaknesses, emaciation, bone diseases, scrofulous and tubercular tendencies"; (bottle label of portion of Calcatine) "Especially useful in Calcium Deficiency * * * Aids acidosis * * * teeth, bones, etc."; (bottle label of Liver Cell Salts) "Liver Cell Salts For Malarial Disorders Biliousness and Diseases of the Liver Uric Acid Diathesis Uses—Ailments marked by excessive secretions of bile and derangement of the liver, gravel, sand in the urine, biliousness, headache and vomiting of the bile, bitter taste, diabetes, trouble arising from living in damp places, malaria, gout"; (bottle label of Alberty's Lebara Organic Pellets) "Organic Pellets Formerly Liver Cell Salts Aids Acidosis, Dormant Liver, Bile Secretions Clearing the Complexion."

On June 8, 1933, Thomas Martindale & Co., Philadelphia, Pa., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the claimant upon payment of costs and the execution of good and sufficient bonds, conditioned that they be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21211. Misbranding of Pine-O-Sol. U. S. v. Purity Chemical Products Co. Plea of guilty. Fine, \$10. (F. & D. no. 29393. I. S. no. 22994.)

Examination of the product Pine-O-Sol disclosed that it contained no ingredient capable of producing certain curative and therapeutic effects claimed on the label. It also was represented that the article was an antiseptic, and was 100 percent active: whereas it was not an antiseptic, and it contained inert ingredients.

On March 27, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Purity Chemical Products Co., a corporation, Santa Rosa, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about December 29, 1931, from the State of California into the State of Oregon, of a quantity of Pine-O-Sol which was misbranded. The article was labeled in part: "Pine-O-Sol A Healing and Antiseptic Spray for Poultry. Useful in the Treatment of Colds, Bronchitis, Influenza, Roup, Canker, Chicken Pox and Diphtheria Active Ingredients 100% Inert 0% * * * Purity Chemical Products Co."

Analysis of a sample of the article by this Department showed that it consisted of mineral oil (61 percent) and pine oil, (39 percent). Bacteriological examination showed that the article was not antiseptic.

It was alleged in the information that the article was misbranded in that certain statements on the label falsely and fraudulently represented that it was effective as a treatment for colds, bronchitis, influenza, roup, canker, chicken pox, and diphtheria in poultry, and effective as a healing and antiseptic spray for poultry. Misbranding was alleged for the further reason that the statements, "Pine-O-Sol * * * Antiseptic * * * Active Ingredients 100% Inert 0%", borne on the label, were false and misleading, since the article was not derived essentially from pine oil, but was a product composed in large part of mineral oil, it was not an antiseptic, and did not consist of 100 percent active ingredients, and contained inert ingredients.

On May 16, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

21212. Misbranding of Admirine. U. S. v. 10 Dozen Bottles, et al., of Admirine. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30534, 31050, 31051. Sample nos. 35655-A, 46212-A, 46694-A.)

Examination of the drug preparation Admirine disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and bottle labels.

On May 29, 1933, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 dozen bottles of Admirine at Houma, La. On September 2, 1933, libels were filed in the Western District of Louisiana against 7 dozen bottles of Admirine at Alexandria, La., and 136 bottles of Admirine at Monroe, La. It was alleged in the libels that the article had been shipped in interstate commerce, in various shipments on or about January 18, 1932, February 18, 1933, and March 21, 1933, by the Eucaline Medicine Co., from Dallas, Tex., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of sodium sulphate, magnesium sulphate, iron chloride, potassium iodide (0.5 percent), extracts of plant drugs, and water flavored with cinnamon oil. The article contained no arsenic, mercury, nor alkaloids.

The libels charged that the article was misbranded in that the following statements appearing on the carton and bottle labels, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Carton) "The Body Builder" Is * * * Blood Medicine. * * * The 'Body Builder' Is recommended to * * * stimulate the Liver and Kidneys to action. * * * Purifies the blood, destroys Malaria, stops Chills and Fever quickly and restores vitality to the weakened body. * * * The 'Body Builder' * * * Blood Medicine For Tired Feeling, Sluggish Liver, * * * Dizziness, Belching of Gas, Sour Stomach, Weakness, * * * Indigestion, Foul Breath, Coated Tongue, Nervousness, Sallow Skin, Chronic Chills or Ordinary Chills, Periodical Fevers and the Different Forms of Blood Troubles that are caused by Malaria Poisoning"; (bottle) "'The Body Builder' * * * As a tonic for the blood and general System. * * * To Stop Chills and Fever * * * A Blood Medicine and Restorative Tonic."

On June 26, November 6, 1933, and January 22, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21213. Misbranding of Catalyn. U. S. v. 85 Large Packages and 37 Small Packages of Catalyn. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30518. Sample nos. 36615-A, 36616-A.)

Examination of the drug preparation Catalyn disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the labels, and in a circular shipped with the article.

On May 29, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 122 packages of Catalyn at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about April 26, 1933, by the Vitamin Products Co., from Milwaukee, Wis., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of plant material including wheat bran, wheat starch, glandular material including epinephrine, and milk sugar.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling and accompanying circular, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Package label): "Catalyn * * * to most effectively restore normal metabolism where abnormality is present"; (wrapper label) "Nature's Source of Vitality Catalyn"; (circular) "'Catalyn' * * * supplies the vital elements necessary for normal functioning of the human system. * * * has the remarkable property of promoting vitality and aiding nature in restoring the organs to normal function. The action of 'Catalyn' in the human system is that of a catalyst (hence the name 'Catalyn'). A catalyst is an agent that promotes chemical action and as life itself is supported only by chemical action

it is evident that a catalytic agent (such as 'Catalyn') will be of utmost importance to many organs of the body. Various names are used to express the idea of catalytic agents in the blood—such as vitamins and hormones. In the present day methods of preparing foods the vitamin containing portions are usually discarded or the vitamins are to a great extent destroyed, resulting in an inadequate supply of vitamins in the human diet. All functions of the living organs are dependent upon certain chemical reactions which in turn are promoted by the catalytic action of vitamins or hormones. It is therefore very obvious that if the human system fails to receive an adequate supply of these vital elements there will inevitably be serious consequences, resulting in certain so-called deficiency diseases. 'Catalyn' supplies these vital elements and for that reason many of the deficiency diseases are remarkably responsive to its administration, especially such ailments as listed on page 8 of this circular.

* * * Because 'Catalyn' is so quickly effective in many cases of insomnia and nervousness (seemingly a sedative or narcotic effect) some persons may be led to suspect the presence of narcotics in these tablets. There are other cases, however, particularly of low vitality, where 'Catalyn' produces an opposite effect. Here it has the effect of producing alertness (seemingly a stimulating effect) and eliminating the feeling of tiredness and lack of energy. This illustrates that 'Catalyn' is neither a stimulant nor a narcotic, but its action is that of a normalizing agent, that is effective only in conditions that are not normal. A person entirely normal will receive no effect, one way or the other, from 'Catalyn.' * * * the results of 'Catalyn' are accomplished with less and less dose, * * * Give 'Catalyn' a Fair Trial While taking 'Catalyn' dismiss every prejudice you may have acquired because of unsatisfactory results from any other kind of treatment. Most other remedies are either drugs or stimulants, which, as a rule, give only stimulating and therefore only temporary results, if any. 'Catalyn' is not a drug or a stimulant, but a natural normalizing influence, and it helps nature to remove the cause which brought about the diseased condition. The tendency of nature is to restore the system to normal if it has the material to do it with. 'Catalyn' supplies this material and therefore enables nature to restore the system to normal. * * *

How Long Must 'Catalyn' Be Taken? There can be no definite answer to that question for the simple reason that in no two cases for which 'Catalyn' is being taken are conditions exactly alike. For some conditions the first bottle may show encouraging improvement, while with other conditions several bottles may be required before improvement can begin. The number of bottles to effect complete improvement also depends upon the condition, but in all cases it will be found that the amount spent for 'Catalyn' will be insignificant when compared with results. * * *

After complete improvement 'Catalyn' need not be continued. As deficiency diseases, however, are caused by the lack of vitamins, it is suggested that 'Catalyn' be continued at the rate of 1 tablet once or twice a week. This practice will keep the system supplied with the necessary vitamins and thereby tend to prevent a recurrence of the deficiency disease, and will also help to increase the resistance to colds and other infectious diseases.

Instructions For Taking 'Catalyn'. When more than one tablet a day are to be taken, these can be taken all at one time, or at different times during the day, and also any time before, after or between meals. The system will absorb the vitamins in 'Catalyn' regardless of when the tablets are taken. Four (4) tablets a day, however, is the maximum of which the system can readily absorb the vitamins, and therefore taking more than 4 tablets a day is wasteful. Adults. In most conditions (any type of ailment) that are not critical, commence the use of 'Catalyn' at the rate of 2 tablets a day. In critical cases (any type of ailment) commence with the maximum dose of 4 tablets a day. In all cases, however, whether starting with 2 or with 4 tablets a day, when sufficient improvement has been noticed, the dose may be gradually reduced until only 1 tablet a day or every two days is taken.

Special Instructions For: Goiter * * * Hardening of the Arteries * * * Heart Trouble * * * High Blood Pressure * * * Insomnia * * * Prostate Trouble * * * Children

The ordinary dose for infants and children is from one-half ($\frac{1}{2}$) to 1 tablet a day, which can be dissolved in the milk or other liquid diet by first crushing the tablet. In critical cases 2 tablets a day will be advantageous and this can be reduced as the condition improves. * * *

Special Instructions Goiter (Toxic):—This ailment is a disturbance of the system due to toxins or poisons secreted by the abnormal thyroid gland. There may be an inward or outward enlargement, or in some cases very little, if any, perceptible gland enlargement. The toxic effect may cause any or all of the following symptoms: Rapid pulse,

trembling, excitability, nervousness, protrusion of eyeballs, weak heart, choking spells at night (if the swelling is inward) and general serious physical condition. Because of the distressing symptoms, any relief is quickly noticed by the sufferer. Therefore, improvement is usually apparent within a very few days after beginning the use of 'Catalyn' and this improvement will continue steadily. Dose:—Start with 4 'Catalyn' tablets a day, and continue until the distressing symptoms have disappeared. Then the dose can be reduced to 2 tablets a day until the enlargement has disappeared or complete improvement has resulted. Goiter (Simple):—Simple goiter is so called because there is no effect other than simply that of gland enlargement. It may be outward or inward, and if inward may, in time, affect the breathing by the pressure on the trachea (wind pipe). Otherwise there may be no ill effect, other than the embarrassment and inconvenience of the enlargement. Because there are no systemic effects or distressing symptoms (and especially if the enlargement is of long standing) no improvement from the use of 'Catalyn' can be apparent until the enlargement begins to recede, which may take thirty days and even more. Most frequently, however, within two or three weeks a softening of the goiter can be felt (by pressing with fingers) indicating that improvement is taking place. Some goiters do not get soft before receding, but most of them do. Usually by starting with 4 'Catalyn' tablets a day and so continuing for a month, and then reducing to 2 tablets a day, steady reduction of the goiter will result. The progress of reduction depends upon the amount of scar tissue in the gland. Therefore, if after taking 4 tablets a day for 30 days and no reduction is noticed, then continue with 2 tablets a day, for in such cases of much scar tissue, 2 tablets a day (after 4 a day have been taken for a month) will be as effective as if the rate of 4 a day were continued. By continuing with 2 a day for a time longer you will undoubtedly be rewarded by noticing that the recession of the goiter has commenced. Remember that even though, and particularly because of much scar tissue, the reduction of the goiter may be delayed, that improvement is taking place. High Blood Pressure And Hardening Of The Arteries:—For the first ten days the dose should be 1 'Catalyn' tablet a day * * *. After ten days 2 to 3 'Catalyn' tablets can be taken, * * *. (In severe cases of high blood pressure * * *) The reason the reduced dose of 'Catalyn' is recommended for the first ten days is to give the 'V. P. Phosphate' sufficient time to eliminate considerable of the excess calcium from the blood vessel walls before the heart action is too greatly improved from the use of 'Catalyn.' Otherwise the improved heart action working against the restricted blood circulation (caused by the hardening of the arteries or constriction due to adrenal gland over-activity) may tend to temporarily increase the blood pressure. The later increased dose of 'Catalyn' will normalize the adrenal gland function tending further to bring the blood pressure to normal. * * * Heart Trouble:—Often the person having heart trouble is taking treatment of digitalis or other heart stimulants. In such cases the use of 'Catalyn' should be begun at the rate of 1 tablet a day until it can be noted (after about three days) whether or not the stimulating effect of digitalis is increased by the use of 'Catalyn.' If it is found that 1 tablet does not over-stimulate, then take 2 tablets for several days, and so on until any number up to 4 tablets a day can be taken. The reason for these instructions is: As is the case with all drugs and stimulants, the system loses its sensitiveness to digitalis so that an increasing dose of the stimulant is required. On the other hand the normalizing effect of 'Catalyn' (by restoring the normal condition of metabolism) restores the normal sensitiveness to stimulants. Therefore too sudden a return to normal (and normal sensitiveness) is not to be desired if the patient has been, and continues to be saturated with digitalis or other such stimulating drugs. For that reason increase the dose of 'Catalyn' gradually from 1 to 4 tablets a day until it is determined how many tablets a day can be taken without over-stimulation from digitalis. The taking of 'Catalyn' will tend to remove the cause of the heart trouble condition and in a comparatively short time such improvement will be noted that the use of digitalis can be reduced and finally eliminated altogether. It should be remembered that digitalis (or other stimulants) is not a cure for heart trouble, but only acts as a stimulant, while 'Catalyn' restores to normal health the muscular tissues of the heart; and the only bar to a complete recovery is any degeneration of structure that often occurs in cases of long standing. In all cases, however, a marked improvement, following the use of 'Catalyn,' will be noted.

"If no digitalis or other heart stimulant is being taken at the time the taking of 'Catalyn' is started, then the dose can be either 2 or 4 tablets a day, depend-

ing on whether the condition is critical or not (see under Adults). Insomnia:—Ordinarily, by following the instructions for noncritical cases, as given above, it will help this condition very much and in a short time effect a complete improvement. If immediate relief, however, is desired, it will be found that the taking of 2 to 4 tablets upon retiring are very effective. Prostate Enlargement:—Start and continue with 4 'Catalyn' tablets a day, until improvement is noted; then it may be reduced, if desired, to 2 a day. Ordinarily improvement is noticed within two or three weeks, but occasionally there may be an obstinate case requiring from four to six weeks before improvement is noticed. As high blood pressure frequently accompanies enlarged prostate, and it is known that this condition is present, then first follow the treatment for high blood pressure. * * * In conditions of High Blood Pressure, Hardening of the Arteries, Dropsy and Kidney Disorders a high protein diet should be avoided to insure more satisfactory results from 'Catalyn.' * * * Special Information Bowel Action:—Ordinarily 'Catalyn' is not a laxative, but it usually tends to bring about a normal function. Very infrequently, however, there may be cases where the taking of 'Catalyn' has a marked laxative effect. This is because of allergic reaction (which is the tendency of some persons to be oversensitive to certain food materials) which is not a serious situation. In such cases merely take a reduced dose of 'Catalyn' until the allergic reaction disappears, which it will in a comparatively short time. Dreams:—'Catalyn,' when taken for insomnia and nervousness, is noted for inducing restful, dreamless sleep. There may be other conditions, however, particularly of low vitality and mental sluggishness, resulting from toxic influences (usually bowel toxins) in which the normal subconscious activity has been inhibited. 'Catalyn' removes this toxic influence and restores normal mental alertness. The subconscious mind having become accustomed to the inhibitive influence, the sudden removal of the toxic effect may in rare cases result in excessive dreaming. In such cases it is recommended that the dose be reduced or that 'Catalyn' tablets be taken only in the morning, until such time as the mental system becomes accustomed to the absence of the toxic influence. * * * "Following Abnormal Conditions Are Particularly Responsive to 'Catalyn' Treatment * * * Acidosis, Anemia, Backward Children, Bright's Disease, Dropsy, Enlarged Tonsils, Enlarged Prostate, Goiter, Hardening of Arteries, Heart Trouble, High Blood Pressure, Insomnia, Low Blood Pressure, Low Vitality, Menstrual Disorders, Nervousness, Palsy, Pregnancy (ills of), * * * to aid 'Catalyn' in eliminating the calcium accumulations in the tissues and blood vessel walls likely to be present in the abnormal conditions marked with * * * These calcium accumulations, occurring as a result of vitamin and phosphate deficiency, not only cause hardening of the arteries, high blood pressure, etc., but also are the cause of stiffness of the joints and many other indications of premature old age. * * * removal of these deposits is a slow process, as the rate of removal is limited by the amount of phosphoric radical taken into the system in food. Results are obtained so much quicker."

On July 14, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21214. Misbranding of Purina worm capsules. U. S. v. 19 Boxes of Purina Worm Capsules. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30709. Sample no. 35187-A.)

Examination of the drug product involved in this action disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On July 10, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 boxes of Purina worm capsules at Norwood, Ohio, consigned by Ralston Purina Co., alleging that the article had been shipped in interstate commerce on or about August 31, 1932, from St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it contained chiefly tetrachlorethylene.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic

effects of the article, were false and fraudulent: (Carton) "Worm Capsules * * * For destruction and removal of * * * Stomach Worms * * * from poultry, dogs, and foxes"; (circular) "Worm Capsules * * * Symptoms of Worms. * * * worm birds whenever they show signs of infestation. * * * Pigeons Symptoms of Worms. * * * When to Worm Pigeons. Whenever they show signs of infestation. * * * Treatment. Use Purina Worm Capsules. * * * Use Purina Roundworm Capsules for Hogs. * * * Sheep, Goats When to Worm. Whenever they show symptoms. Treatment. Use Purina Worm Capsules. * * * When to Worm Dog Pups. * * * Treatment for Dog Pups. Use Purina Worm Capsules. * * * When to Worm Adult Dogs. Worm all adults whenever they show signs of infestation. * * * Worm pregnant bitch * * * When to Worm Fox Pups. Worm all pups at 3 to 6 weeks of age but don't worm before third week. Worm again 10 days to 2 weeks later. After that as often as pups become infested. Treatment for Fox Pups. Use Purina Worm Capsules. * * * worming. When to Worm Adult Foxes. * * * Treatment for Adult Foxes. Use Purina Worm Capsules. * * * worming."

On September 12, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21215. Misbranding of Abilena Crystals. U. S. v. 91 Packages, et al., of Abilena Crystals. Default decrees of destruction. (F. & D. nos. 30508, 30560. Sample nos. 36694-A, 36695-A, 57402-A, 57403-A.)

Examination of the drug product, Abilena Crystals, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the package label.

On May 24, 1933, and June 2, 1933, the United States attorney for the Western District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 650 packages of Abilena Crystals at Kansas City, Mo., alleging that the article had been shipped in interstate commerce, on or about April 28 and April 29, 1933, respectively, by the Abilena Co., from Abilena, Kans., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of anhydrous sodium sulphate with small proportions of magnesium sulphate and sodium chloride.

It was alleged in the libels that the article was misbranded in that the following statements appearing on the package, regarding the curative and therapeutic effects of the article, were false and fraudulent: "For Radiant Health * * * Faulty elimination may cause nervous ailments, rheumatism, bad breath, high blood pressure, stomach disorders, indigestion, sick headaches, neuritis, arthritis, kidney trouble, excess acidity, * * * jaundice, dizziness, sluggishness * * * To obtain the best results * * * For treatment of constipation and its resultant effects."

On September 25, 1933, no claimant having appeared for the property, judgments were entered finding the product misbranded and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21216. Misbranding of white petrolatum. U. S. v. 34 Gross and 28 Gross Jars of White Petrolatum. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 30594, 30659. Sample nos. 28783-A, 28789-A.)

These cases involved shipments of white petrolatum, the label of which bore unwarranted curative and therapeutic claims. Sample jars taken from both shipments were found to contain less than 2 ounces, the declared weight.

On June 15 and June 24, 1933, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 62 gross jars of white petrolatum at Chicago, Ill., alleging that the article had been shipped in interstate commerce, in various lots, on or about May 10, May 16, and June 6, 1933, by the Gotham Sales Co., from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act.

It was alleged in the libels that the article was misbranded in that the statement "Net Wt. 2 Oz.", borne on the label, was false and misleading. Misbranding was alleged for the further reason that the following statements, re-

garding the curative and therapeutic effects of the article, were false and fraudulent since it contained no ingredient capable of producing the effects claimed: "Is a most worthy remedy for * * * wounds * * * chilblains * * * will relieve * * * sore throat."

On July 14 and September 27, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21217. Misbranding of Apgo Capsules. U. S. v. 419 Boxes of Apgo Capsules. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30475. Sample no. 31889-A.)

Examination of the drug preparation Apgo capsules disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the circular shipped with the article.

On May 19, 1933, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 419 boxes of Apgo capsules at Brooklyn, N.Y., alleging that the article had been shipped in interstate commerce on or about May 1, 1933, by Hance Bros. & White, Inc., from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of capsules containing in each a pellet and an oily liquid. The pellets contained extracts of plant drugs including aloin. The liquid contained mixtures of oils such as savin oil and parsley oil.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Circular) "Regulator, * * * for the Alleviation of Amenorrhoe or Suppressed Menses. In persistent Amenorrhoe or menstrual irregularity caused by acute fibrile, systematic disease or other trouble accompanied by nervousness, pallor and lassitude, this remedy is of unsurpassed value at all times, working on the organs through the blood and nervous system in such a way as to produce the desired results without the least inconvenience to the patient. * * * give the most beneficial results, * * * The amount to be taken to bring about results depends entirely upon the condition and constitution of the patient, for while beneficial results may come from taking one-half to a full box, occasionally, in obstinate cases, it may take two or three boxes of the special capsules. In the treatment of all disturbances of the menstrual functions the patient must observe the following: Directions For Special Treatment * * *. Active treatment should begin four or five days before the regular time for the reappearance of the menstrual flow, so as to assist nature to bring about the desired results at the normal time. * * * before the time for the regular period. * * * Take one capsule three times daily, one half hour before meals, commencing four or five days before the regular period and continue until the desired result is obtained. * * * you will have only yourself to blame if they are not as effective as they should be."

On June 30, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21218. Misbranding of Golden Rheumatism Remedy, Golden Blood Tonic, Golden Cough Compound and Golden Laxative Cold Tablets, U. S. v. 70 Bottles of Golden Rheumatism Remedy, et al. Hearing before the court. Decree finding products misbranded with provision for release under bond for relabeling. (F. & D. nos. 30522 to 30525, incl. Sample nos. 36681-A to 36684-A, incl.)

Examination of the drug preparations involved in this case disclosed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Examination also showed that the Golden Cough Compound contained undeclared alcohol.

On May 29, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 70 bottles of Golden Rheumatism Remedy, 5 bottles of Golden Blood Tonic, 4 bottles of Golden Cough Compound, and 2 packages of Golden Laxative Cold Tablets, at Kansas City, Mo., alleging that the articles had been shipped in interstate commerce by C. J. McCormick, from Fort Worth, Tex., that the laxative cold tablets had been shipped during 1932, that the blood tonic and cough compound had been shipped on or about November 1, 1932, and that the rheumatism remedy had been shipped on or about April 5, 1933, and that the articles were misbranded in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that the Golden Rheumatism Remedy consisted essentially of an extract of a laxative plant drug, small proportions of potassium iodide and a salicylate, alcohol (1.9 percent), sugar, and water; that the Golden Blood Tonic consisted essentially of potassium iodide, an iron compound, strychnine, a small proportion of quinine, and extracts of plant drugs including sarsaparilla, podophyllum, and an emodin-bearing drug such as rhubarb; that the Golden Cough Compound consisted essentially of tar, a trace of chloroform, alcohol (4.4 percent), and water; and that the Golden Laxative Cold Tablets consisted essentially of acetanilid, quinine sulphate (1/40 grain per tablet), and extracts of plant drugs including red pepper, and a laxative drug.

It was alleged in the libel that the Golden Cough Compound was misbranded in that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the article.

Misbranding of all products was alleged for the reason that the following statements appearing in the labeling, regarding their curative and therapeutic effects, were false and fraudulent: (Rheumatism remedy, bottle) "Rheumatism Remedy * * * For Chronic and Acute Rheumatism Eliminates Uric Acid and the impurities from the blood. Relieves the sore and painful joints and muscles in from three to seven days. Reconstructive tonic Great Blood Purifier for Adults and Children * * * Directions—For Rheumatism Best Rheumatism medicine ever made; a blessing to sufferers, and certain relief for Rheumatism, Neuritis, Lumbago and Neuralgia of the muscles, swollen, and sore joints, and of the bones. Lumbago, Sciatica are generally the beginning of body rheumatism, and in older people if not corrected 'relieved or cured' will result in paralysis or apoplexy. This remedy absorbs and dissolves the Uric Acid, excessive in the blood, and the calcareous deposits in the muscles and joints. Purifies the blood. This remedy is the best Kidney and Bladder regulator you can get for excessive urinating and bad colored, burning pains over the kidneys and bladder, catarrh. For children bed wetting a few days will correct it. Makes rich, red blood, corrects the old black blood impoverished, and makes the blood rich and pure. Dose—Teaspoonful after meals three times a day, according to the severity of the case; children one-half teaspoonful twice a day (some systems require more and some less). This medicine acts on the uric acid of all systems directly. Two good actions of the bowels a day are sufficient. Do not purge the bowels severely; if it does, decrease the dose; the same if the kidneys act too freely. If the nose and eyes run water reduce the dose until the system becomes accustomed to the medicine. If the bowels do not act at least twice a day take a dose of salts one hour before breakfast until the bowels act from the medicine"; (booklet) "Rheumatism Remedy * * * For Chronic and Acute Rheumatism Eliminates Uric Acid And The Impurities From The Blood. Relieves The Sore And Painful Joints And Muscles In From Three To Seven Days. Reconstructive Tonic Great Blood Purifier For Adults And Children * * * rheumatism suffers * * * wonderful and very prompt relief. I have seen so many who have suffered and found this remedy has relieved all those [who] took the medicine and received permanent relief * * * those who suffer with this terrible pain should be benefitted * * * to aid the sufferers. There is no need to suffer when this remedy can be obtained; * * * Rheumatism. If you suffer the agonies of Chronic or Acute Rheumatism, aching or stiff joints and muscles, lame back, distorted and bent fingers, sudden pains attacking you almost any time, no matter what medicine you have taken this is your salvation and quick relief. This remedy drains out the poisonous uric acid and impurities from the blood, which causes Rheumatism; besides it purifies and enriches the blood, and builds up your vitality by regulating the liver, kidneys and stomach. Relief is what you want and you get it in taking this prescription. After thirty-six hours you feel relief, and each day you feel better. * * * wonderful curative powers for Rheumatism. Light attacks of rheu-

matism, stiff and swollen joints and muscles; if such conditions are permitted to continue, serious results are sure to follow. Thousands of people die each year from rheumatism. So take heed and begin in time to eliminate this poison from your blood. In most cases the pain is relieved in a few days; but in severe cases, it takes longer as the uric acid forms a calcarous deposit which imbed themselves firmer in localities and takes longer time to dissolve. This prescription will act on all systems and eliminate the uric acid and all other impurities at the same time, no matter how long or how old. It is a happy combination of medicines that act on the uric acid and mucous membranes and also a mild laxative which acts on the liver and kidneys which expels the poisons from the system and regulates the liver and kidneys and stomach at the same time. The perspiration will also be noticed as well as the kidneys having uric acid odors, as the uric is being eliminated. * * * If the stomach becomes puffed and bowels do not move as they should, take a little larger dose of the medicine. Some systems require more, some less. Do not suffer the tortured pains and agony of rheumatism. Get busy with this remedy and get rid of it—it is certain relief. If you want to increase your chances for long life, rid your system of uric acid and other impurities by eliminating through the skin, kidneys and bowels. Your system is clogged with these toxic poisons, and you have had colored skin that should be healthy and clear. Kidney, bladder and liver and stomach bad. Guard your health and body for endurance and efficiency and full achievement. Backache, stiff shoulders, knees, ankles, feet and joints, they will not get better, the pain, agony and twinges grow worse. And it is no good wisdom to wait; begin today and get rid of it. * * * Golden Rheumatism Remedy * * * Blood Purifier If you had had the influenza, la grippe, and bad cold most of the time, or you feel worn out, and do not feel like yourself, you are under weight, work and life a burden to you, complexion and skin bad: Take one bottle of this remedy and it will drive the impurities out of the blood, regulate your liver, kidneys, and bowels, clear up your skin, rid your system of malaria, yellow jaundice, and blood poison, rid your system of all impurities. * * * Golden Rheumatism Remedy * * * Directions for Rheumatism Best Rheumatism Medicine ever made a blessing to suffers, and certain relief for Rheumatism, Neuritis, Lumbago, and Neuralgia of the bones. Lumbago, Sciatica are generally the beginning of body rheumatism, and in older people if not corrected 'relieved or cured' will result in paralysis or apoplexy. This remedy absorbs, and dissolves the Uric Acid, excessive in the blood, and the calcarious deposits in the muscles and joints. Purifies the blood. This remedy is the best Kidney and Bladder regulator you can get, for excessive urinating and bad colored burning pains over the kidneys and bladder, catarrh. For children bed wetting a few days will correct it. Makes rich red blood, corrects the old black blood impoverished, and makes the blood rich and pure. Dose—teaspoonful after meals three times a day, according to the severity of the case; children one-half teaspoonful twice a day. (Some systems require more and some less). This medicine acts on the uric acid of all systems directly. Two good actions of the bowels a day are sufficient. Do not purge the bowels severely; if it does; the same if the kidneys act too freely. If the nose and eyes run water reduce the dose until the system becomes accustomed to the medicine. If the bowels do not act at least twice a day take a dose of salts one hour before breakfast until the bowels act from the medicine. [Testimonials in booklet] He Walks Again * * * says he suffered the terrible agonies of rheumatism for ten years until he was unable to walk or move his limbs for a period * * * had given up all hopes of ever being relieved of his intense suffering. * * * influenced * * * to try Dr. C. J. McCormick's Golden Rheumatism Remedy, which give him immediate relief, and after taking several bottles was able to walk without the use of crutches or cane. After keeping up the treatment for a few months he was entirely well with no symptoms of rheumatism.

"I suffered for 8 months with sciatic neuritis rheumatism. The best physicians were unable to relieve me. I also tried Hot Springs without relief. After taking eight bottles of your Golden Rheumatism Remedy I was able to resume my work, and now entirely cured"; (blood tonic, bottle) "Blood Tonic And System Builder Eliminates All Impurities From The Blood Regulates Stomach, Liver And Kidneys * * * Makes You Feel Fine * * * Directions * * * Blood And System Builder, ridding the system of all organic diseases such as (indigestion) stomach, liver and kidney; blood diseases, debilitated, biliousness, nervous headaches, depression, dizziness,

sleeplessness, catarrh, malaria, spring and hay fevers, anemic blood. This medicine will make you feel right. * * * Catarrh Catarrh can only be cured through the blood. The mucous membranes of the head are involved especially the post nasal cavity is very inflamed and sore, mucous dropping down the throat, dry scales and bloody mucous. It takes three to six weeks treatment to cure. Wash the nose out nightly for two weeks with warm salt water, and grease far up into the nose with mentholated vaseline. A teaspoonful of tonic, and half teaspoonful for children according to age. Don't suffer with catarrhal headaches. For Children's Blood Tonic Growing children need a blood tonic every spring and fall as their blood is impure, anemic, stomach, liver and kidney troubles, bed wetting, under weight, sluggish headaches. It will fatten them and clear their skin, make them brighter and enable them to study at school, and make them healthy and strong. Cathartic One to two tablespoons full on retiring will make you feel well next day"; (circular) "For Your Health's Sake Only Save Time and Sickness in the Family * * * Blood Tonic And System Builder * * * eliminates all impurities from the blood, regulates stomach, liver and kidneys. Excellent for indigestion, sour and gassy stomach, biliousness, nervous headaches, depression, dizziness, sleeplessness, malaria, and catarrhal fevers, anemic blood, stops bed wetting and excessive urine. This is a great catarrhal remedy. This Is A Wonderful System Builder We guarantee persons who are under weight (no matter the cause) to gain from one to two pounds a week. The blood is impure (anemic) and needs to be purified. * * * Children's Tonic Growing children need a blood tonic every Spring and Fall, as their blood is impure, anemic, stomach, liver and kidney troubles, bed wetting, under weight, sluggish headaches. It will fatten them and clear their skin, make them brighter and enable them to study at school and make them healthy and strong"; (cough compound) "Cough Compound"; (laxative cold tablets, carton) "For the Relief of * * * LaGrippe * * * Influenza, etc. * * * Effective and Harmless * * * take one tablet three times a day for four or five days as a * * * preventative of further trouble. Also to regulate the bowels and liver. * * * for children $\frac{1}{2}$ to 1 tablet according to age"; (circular) "Directions for Coughs * * * Influenza and Grippe. Dose for adults, one to three tablets every four hours until relief is obtained and the bowels have moved well, then take one tablet three times daily over a period of three or four days. Dose for children, one-half to one tablet in proportion to age. [Similar statements in foreign languages]."

On June 21, 1933, C. J. McCormick, Fort Worth, Tex., having appeared as claimant and having denied that the labeling of the products was not in good faith, the case came on for hearing before the court. Judgment was entered finding the products misbranded and ordering that they be destroyed unless the claimant file bond conditioned that they be immediately relabeled in a manner not in conflict with the law.

M. L. WILSON, *Acting Secretary of Agriculture.*

21219. Misbranding of white petrolatum. U. S. v. 10,800 Jars and 90 Gross Packages of White Petrolatum. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (P. & D. nos. 30530, 30561. Sample nos. 28778-A, 35488-A, 35489-A.)

These cases involved two shipments of white petrolatum, the labeling of which bore unwarranted curative and therapeutic claims. Examination also showed that in one lot the jars contained less than 2 ounces, the declared weight.

On or about May 29 and June 5, 1933, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture filed in the district court libels praying seizure and condemnation of 10,800 jars and 90 gross packages of white petrolatum at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about March 25 and April 14, 1933, by the Atlantic Drug Co., from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libels that the article was misbranded in that the following statements appearing on the labels, regarding the curative and therapeutic effects of the article, were false and fraudulent, since the article contained no ingredient capable of producing the effects claimed: (Label of portion) "A Valuable family remedy for * * * Skin Diseases, Hemorrhoids, * * * etc. Taken internally will relieve Coughs, * * * Sore Throat,"; (label of remainder) "For * * * Wounds, * * * Chilblains, * * * Petrolate is a most worthy remedy will relieve * * * Sore Throats, Coughs when taken internally."

Misbranding was alleged with respect to the product in one of the shipments for the reason that the statement, "Net Wt. 2 Ounces", was false and misleading.

On June 21, 1933, the Mills Sales Co., Chicago, Ill., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant for relabeling under the supervision of this Department, upon payment of costs and the execution of good and sufficient bonds, conditioned that it should not be sold or otherwise disposed of contrary to the Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

21220. Misbranding of Alberty's Anti-Diabetic Vegetable Compound capsules. U. S. v. 172 Boxes of Alberty's Anti-Diabetic Vegetable Compound Capsules. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 30538. Sample nos. 38255-A, 38256-A.)

Examination of the drug preparation involved in this case disclosed that it contained no ingredients or combination of ingredients which would justify the therapeutic claim that it was "Anti-Diabetic."

On May 29, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 172 boxes of Alberty's Anti-Diabetic Vegetable Compound Capsules at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about October 21 and November 1, 1932, by U. S. Okey, from Hollywood, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Alberty's Anti-Diabetic Vegetable Compound Capsules * * * The Alberty Food Laboratories * * * Hollywood, Calif."

Analysis of a sample of the article by this Department showed that it consisted essentially of powdered plant materials.

It was alleged in the libel that the article was misbranded in that the statement on the label, "Anti-Diabetic", was a statement regarding the curative or therapeutic effect of the article and was false and fraudulent.

On June 8, 1933, Thomas Martindale & Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$258, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21221. Adulteration and misbranding of Regum Mouth Paste. U. S. v. Daniel B. Morgan and Carl O. Sampson (Morgan & Sampson). Pleas of guilty. Fine, \$60. (F. & D. no. 28194. I. S. no. 23403.)

Examination of the Regum Tooth Paste on which this case was based disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Tests of the article also showed that it was not an antiseptic, as claimed.

On January 21, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Daniel B. Morgan and Carl O. Sampson, copartners trading as Morgan & Sampson, San Francisco, Calif., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about February 24, 1932, from the State of California into the State of Oregon, of a quantity of Regum tooth paste which was adulterated and misbranded. The article was labeled in part: (Tube) "Regum Tooth Paste * * * Manufactured by Red Gum Products Co., San Francisco"; (circular) "An active antiseptic."

Analysis of a sample of the article by this Department showed that it consisted essentially of calcium carbonate, glycerin, soap, small proportions of zinc chloride and resins, and water, flavored with aromatics.

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to be an active antiseptic, whereas it was not an active antiseptic.

Misbranding was alleged for the reason that the statement in the circular, "An active antiseptic", was false and misleading. Misbranding was alleged

for the further reason that certain statements, designs, and devices regarding the curative and therapeutic effects of the article, appearing on the carton and tube labels and in the circular, falsely and fraudulently represented that it was effective to harden gums; effective to stop bleeding gums and to prevent pyorrhea; effective to retard the formation of tartar; and effective to heal and strengthen sore, tender, inflamed, bleeding gums.

On July 21, 1933, the defendants entered pleas of guilty to the information, and the court imposed fines totaling \$60.

M. L. WILSON, *Acting Secretary of Agriculture.*

21222. Misbranding of G. C. C. Golden Chemical Compound. U. S. v. 125 Bottles of G. C. C. Golden Chemical Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29855. Sample no. 6248-A.)

Examination of the product involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The article was represented to be the most powerful germicide known, whereas it was not.

On February 20, 1933, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 125 bottles of the said G. C. C. Golden Chemical Compound at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce, on or about December 9, 1932, by the International Chemical Co., from Topeka, Kans., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of iron sulphate dissolved in water.

It was alleged in the libel that the article was misbranded in that the statement on the display card accompanying the shipment, "The most powerful Germicide known", was false and misleading. Misbranding was alleged for the further reason that the following statements in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Display card) "For all kinds of Sore Throat, Tonsilitis, Diphtheritic and Scarlet Fever Sore Throat, Sore Mouth and Gums, Trench Mouth, Pyorrhea, Catarrh, and Sinus Trouble, * * * Old Sores, Itch of all kinds, Eczema, Erysipelas, Ring Worms, * * * Bleeding Piles, Prevents Blood Poisoning"; (carton) "Is recommended for Tonsilitis, Diphtheritic and Scarlet Fever Sore Throat, Pyorrhea, Trench Mouth, Catarrh, Sinus, Erysipelas, Eczema, Ring Worm, * * * Old Sores, * * * Bleeding Piles, Prevents Blood Poisoning"; (bottle label) "For Diphtheria and Tonsilitis, put 5 to 10 drops in a tablespoonful of water, and gargle several times an hour. Then apply pure on a swab; continue swabbing the throat every hour or two until completely relieved then three times a day. It never fails if it is properly used"; (white circular) "For all kinds of Sore Throat, Tonsilitis, Diphtheritic, Scarlet Fever Sore Throat, Sore Mouth and Gums, Trench Mouth, Catarrh, Sinus Trouble, * * * Old Sores, Itch of all kinds, Eczema, Erysipelas, Ring Worms, * * * Bleeding Piles * * * Prevents Blood Poisoning * * * It Cures by Removing The Cause [Testimonials] 'G. C. C. saved my boy's life when he had Diphtheria.' * * * Sore throat and Tonsilitis disappear like magic. * * * 'G. C. C. beats everything I have ever seen for a sore throat.' * * * 'G. C. C. Checks itching and bleeding piles at once.' * * * 'Our little girl had eczema. I used G. C. C. I could not believe my own eyes, in a weeks time she was well.' * * * 'Erysipelas, Ring Worms and Itch promptly relieved by G. C. C.' * * * 'After trying everything recommended for Trench mouth, Pyorrhea and Bleeding gums, I used G. C. C. am now well.' * * * 'Our daughter suffered from Tonsilitis and enlargement of the tonsils. We used G. C. C. in a short time she was well and it never returned'; (pink circular) "Tonsilitis and Sore Throat.—Dilute using 10 to 20 drops to a teaspoonful of water as a gargle * * * until well. Diphtheritic and Scarlet Fever Sore Throat—Begin as above then apply pure on a swab, continue swabbing the throat every hour until all membrane is removed. Sore Mouth, Bleeding Gum, Pyorrhea, and Trench Mouth—Dilute 10 to 20 drops to a teaspoonful of water increase the strength gradually * * * until well. Catarrh and Sinus Trouble * * * Old Sores—Dilute to begin with using 5 to 10 drops in half glass of water, bathe parts affected or saturate bandage gradually increasing the strength until well. Eczema and Erysipelas—If open running sores * * * Ring Worms, Itch * * * Apply pure a few applications every hour will be

sufficient. Prevent Blood Poisoning * * * Bleeding Piles * * * Female Disorders and Leukorrhea. * * * Will stop all discharges."

On June 3, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21223. Adulterations and misbranding of Caristol Comp. Tablets, Calradine and Camphor Comp. Tablets, and Amidopyrine Capsules. U. S. v. Raymer Pharmacal Co. Plea of nolo contendere. Fine, \$300. (F. & D. no. 28158. I. S. nos. 38035, 38048, 38051, 38078.)

This case was based on interstate shipments of drug tablets which were deficient in one of the labeled therapeutic agents, and of a quantity of alleged 5-grain amidopyrine capsules which contained less than 5 grains of amidopyrine each. Examination of the Caristol Comp. Tablets showed that they contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the label.

On March 27, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Raymer Pharmacal Co., a corporation trading at Philadelphia, Pa., alleging shipment by said company, on or about August 15, August 25, September 2, and September 16, 1931, from the State of Pennsylvania into the State of New Jersey, of quantities of Caristol Comp. tablets, Calradine and Camphor Comp. Tablets and Amidopyrine Capsules that were adulterated and misbranded. The articles were labeled in part: "Tablets Caristol Comp. * * * Salol $\frac{1}{2}$ Gr."; "Calradine and Camphor Comp. * * * Ammon. Chloride 1 gr."; "Capsules Amidopyrine 5 grains. Raymer Pharmacal Co. * * * Philadelphia."

It was alleged in the information that the articles were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, as follows: Each of the Caristol Comp. tablets was represented to contain one-half grain of salol, whereas each of said tablets contained less than so represented, the two lots containing not more than 0.133 and 0.137 grain, respectively, of salol per tablet; each of the Calradine and Camphor Comp. tablets was represented to contain 1 grain of ammonium chloride, whereas each of said tablets contained less than 1 grain of ammonium chloride, namely, not more than 0.202 grain, or one-fifth grain of ammonium chloride; each of the amidopyrine capsules was represented to contain 5 grains of amidopyrine, whereas each of said capsules contained less than so represented, namely, amounts varying from 3.6 grains to 4.87 grains of amidopyrine.

Misbranding was alleged for the reason that the statements "Tablets * * * Salol $\frac{1}{2}$ Gr." on the label of the bottle containing the Caristol Comp. tablets; the statement "Ammon. Chloride 1 gr." on the label of the bottle containing the Calradine and Camphor Comp. tablets, and "Capsules Amidopyrine 5 Grains," on the label of the bottle containing the Amidopyrine capsules, were false and misleading. Misbranding of the Caristol Comp. tablets was alleged for the further reason that certain statements on the bottle label falsely and fraudulently represented that the article was effective as a complete digestant of every variety of food; and effective as a treatment for intestinal indigestion, functional derangement of the liver and the alimentary canal due to deficient biliary secretions.

On June 26, 1933, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$300.

M. L. WILSON, *Acting Secretary of Agriculture.*

21224. Misbranding of Cre-Cal-Co. U. S. v. 8 Bottles and 10 Bottles of Cre-Cal-Co. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30519, 30520. Sample nos. 26888-A, 38953-A.)

Examination of the preparation Cre-Cal-Co disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton label.

On May 25, 1933, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 8 bottles of Cre-Cal-Co at Morgan City, La. On May 27, 1933, a libel was filed in the Southern District of Indiana against 10 bottles of Cre-Cal-Co at Laconia, Ind. It was

alleged in the libels that the article had been shipped in interstate commerce, in part on or about November 23, 1932, and in part on or about February 2, 1933, by the Creo Chemical Co., from San Antonio Tex., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of a small proportion of a phenolic substance, such as creosote, and approximately 99 percent water.

The libels charged that the article was misbranded in that the following statements on the cartons, regarding the curative and therapeutic effects of the article, were false and fraudulent: "Directions for Colds, LaGrippe, Influenza and Pneumonia One to two tablespoonfuls in hot water every one to two hours until 'cold' and fever subside. * * * For Chronic Catarrh, Bronchitis, Tuberculosis and any Germ Infection * * * 'Creosote, having volatile constituents which are excreted in the expired air, and which are powerfully antiseptic, may well be of great value in these (all germs) conditions' * * * To obtain greatest value from the use of Cre-Cal-Co in all acute germ infections you should take Cre-Cal-Co until lung saturation is obtained. Medicine * * * should be taken to saturation to assure constitutional benefit. * * * Latest Discovery for the Treatment of all Affections of the Nose, Throat and Lungs * * * Important Notice: People who are constantly 'taking cold' should be examined for some deep-seated germ infection, with acidosis and poor elimination. * * * Take thorough purgative and two tablespoonsfuls of Cre-Cal-Co before meals and at bedtime."

On June 22, and September 14, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21225. Adulteration and misbranding of H. G. C. U. S. v. 65 Bottles, et al., of H. G. C. Default decrees of destruction. (F. & D. nos. 30443, 30494, 30495, 30496. Sample nos. 7072-A, 18286-A, 33634-A, 33692-A.)

Examination of the drug preparation H. G. C. disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. A small circular shipped with portions of the article represented that it was an antiseptic, whereas it was not an antiseptic when used as directed.

On May 15 and May 24, 1933, the United States attorney for the Southern District of Mississippi, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 165 bottles of H. G. C. in part at Natchez, and in part at Meridian, Miss. On May 25, 1933, the United States attorney for the Southern District of Alabama filed a libel against 34 bottles of H. G. C. at Mobile, Ala., and on or about June 1, 1933, a libel was filed in the Southern District of Texas against 230 bottles of the product at Houston, Tex. It was alleged in the libels that the article had been shipped in interstate commerce, between February 10, 1932, and April 3, 1933, by the Acme Chemical Manufacturing Co., from New Orleans, La., and that it was misbranded in violation of the Food and Drugs Act, and that a portion was also adulterated.

Analysis of a sample of the article by this Department showed that the article consisted essentially of small proportions of borax and berberine sulphate dissolved in water. Bacteriological examination showed that the article was not antiseptic when used as directed.

It was charged in the libels filed in the Southern District of Mississippi that the portion of the article covered by the said libels was adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, (small circular) "Antiseptic", since it was not antiseptic when used as directed.

Misbranding was alleged with respect to the said portion for the reason that the statement in the small circular, "Is Especially Recommended as a Douche for Females, Antiseptic", was false and misleading.

Misbranding was alleged with respect to all lots for the reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Leaflet accompanying portion) "In Addition to Its Value for Male and Female Disorders H. G. C. is especially recommended as a Douche for Females * * * Healing-Strengthening"; (tin sign accompanying portions) "Relieves—1 to 3 Days. For Catarrhal conditions and all

mucous Discharges. Reaches the Spot"; (large circular, all shipments) "In Irrigating Bladder Add one quart of boiled rain water to one bottle of H. G. C. and put solution in a fountain syringe, to which attach a Valentine tip to insert in penis and hang syringe high so that there will be pressure to force solution into the bladder. Have the solution blood warm while using. Before starting to irrigate, urinate as much as you can. While inserting Valentine tip in penis, try to urinate; this allows solution to enter bladder; inject as much as you can, then expel same. This should be done two or three times a week. * * * In injection: (Men) The accompanying syringe to be used for injection. Use sufficient force to reach all parts. This can best be done by sitting down, holding the syringe on a level with the organ. Inject three or four times a day regularly. The mouth of the H. G. C. bottle is large enough to insert syringe and draw injection from the bottle. Keep the syringe clean; after use, rinse in clean water. Keep the bowels open. Avoid irritating influences. Keep as quiet as possible. The wearing of a suspensory bandage is advisable when one is on his feet a great deal. In Douches: (Women) Use an injection of comfortably warm water before using the H. G. C., using a Bulb or Fountain Syringe, and cleaning the parts well. Add to the H. G. C. an equal portion of pure rain water; and with a No. 6 glass female syringe, use this injection three or four times a day, endeavoring to have the injection reach all parts of the vagina by assuming a reclining position. Allow injection to remain ten or fifteen minutes. Place under body cloth or douche pan to prevent straining [similar statements in foreign languages]."

On July 15, August 2, September 26 and November 21, 1933, no claimant having appeared for the property, judgments were entered condemning the product and ordering that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21226. Misbranding of Edrolax. U. S. v. 40 Packages of Edrolax. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30535. Sample no. 32126-A.)

Examination of the drug preparation Edrolax disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On June 3, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 packages of Edrolax at Scranton, Pa., alleging that the article had been shipped in interstate commerce, on or about March 14, 1933, by the Edros Natural Products, Inc., from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of a mixture of seed of *Plantago ovata*, *P. psyllium*, *P. lanceolata* and *Lallemantia*, *royelana*, agar-agar, and caramel.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding its curative and therapeutic effects, were false and fraudulent: (Carton) "Accessory Food * * * Used for Bowel Regulation * * * in severe cases"; (circular) "We congratulate you sincerely on your purchase of Edrolax. It means that you have taken a long step forward to better health, increased vigor, greater happiness and longer life. It means that you may now free yourself Forever from cankerous evil of constipation, . . . the prolific source of chronic headaches . . . of indigestion, gas, bloating and biliousness . . . of rheumatism, arthritis, stiff joints, neuralgia and neuritis . . . of nervousness, sleeplessness, tired feeling and mental depression . . . of a dozen crippling devitalizing diseases, * * * an accessory Food * * * So Don't Expect Immediate Results the first time you take Edrolax, and Don't Lose Faith. Have just a little patience, give Edrolax time to help nature do its duty . . . and you will certainly have your reward in perfectly natural movement Daily, abounding new health and vigor, and freedom forever from poisonous, health-wrecking, habit-forming physics, * * * two teaspoonfuls of Edrolax three times a day, and three teaspoonfuls twice a day * * * the usual quantity necessary to produce proper results for even the most habitually constipated * * * an accessory food, * * * For Infants and For Certain Serious Inflammatory Intestinal Conditions in Grown-Ups. The delicate intestines of the infant may easily be seriously injured by harsh purgatives, and even by soap suppositories and enemas. Yet constipation is as dangerous with them as with older people. In the past it

has been a real problem what to give. Now you have Edrolax tea . . . safe even when the infant is only a week or two old * * * wonderfully effective in overcoming constipation. Edrolax tea is also highly recommended for older people suffering with ulcers, mucus colitis or bleeding, where the stomach or bowel lining is sore and inflamed. * * * To overcome constipation and at the same time help heal the inflamed condition, use Edrolax tea prepared as directed above. The dose is a cupful night and morning on an empty stomach. * * * accessory foods, * * * in the effective treatment of constipation. * * * helping to create the tonic state which is essential to its proper functioning. * * * bulk food."

On June 30, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21227. Misbranding of Live-On Tonic and Live-On Treatment. U. S. v. 9 Small Bottles of Live-On Treatment, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 30926, 30927. Sample nos. 41610-A, 41611-A.)

Examination of the drug products Live-On Tonic and Live-On Treatment disclosed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On August 17, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 bottles of Live-On Tonic, and 9 small and 5 large bottles of Live-On Treatment at St. Louis, Mo., alleging that the articles had been shipped in interstate commerce, from Benton, Ill., by the Live-On Medicine Co., the former on or about June 24, 1927, and the latter on or about February 15, 1933, and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that the Live-On Treatment consisted essentially of rhubarb extract, tar, vinegar, alcohol, and sirup; and that the Live-On Tonic consisted essentially of extracts of plant drugs including rhubarb, alcohol, sugar, and water. Iron salts, nux vomica extract, and cinchona extract were absent.

It was alleged in the libel that the articles were misbranded in that the following statements regarding the curative or therapeutic effects of the articles, were false and fraudulent; (Live-On Treatment, bottle label) "Live-on * * * treatment for chronic Coughs and persistent Colds * * * for Coughs, * * * Catarrhal Bronchitis and Bronchial Asthma. A healing preparation for Throat and Lung Troubles and Pulmonary Diseases due to Colds"; (carton) "Liveon * * * Live-On treatment for chronic Coughs and persistent Colds * * * for Coughs, * * * Catarrhal Bronchitis, and Bronchial Asthma. A healing preparation for Throat and Lung Troubles and Pulmonary Diseases due to Colds. Live-on treatment for chronic Coughs and persistent Colds * * * Live-On * * * Live-On treatment for Chronic Coughs and Persistent Colds. * * * for the relief of chronic Coughs and persistent Colds. Coughs, * * * Hoarseness and Sore Throat are diminished by the use of this treatment, body weight and appetite are increased in most cases and conditions are greatly improved. A preparation that soothes and heals the inflamed surfaces. We recommend Live-on treatment to be taken for Coughs and Colds, particularly those of long standing, and continue its use as long as the Cough or cold remains. Live-On * * * Live-On * * * Are as near a Fountain of Perpetual Youth as anything discovered. * * * Live-On * * * a proven benefit in the treatment of Chronic Coughs, Persistent Colds and affections of the Bronchial tubes due to Colds"; ("Live-On Tonic, bottle label) "Live-On * * * A Real Tonic and System Builder * * * Tonic for * * * Biliousness, Indigestion, sluggish Liver, Blood Purifier and System Cleanser. As a general Body Builder it has no equal. * * * In exceptional cases * * * Live-On"; (carton) "Liveon * * * Live-On a real Tonic and System Builder * * * Tonic for * * * Biliousness * * * Sluggish Liver, Blood Purifier and System Cleanser. As a general Body Builder Live-On Tonic has no equal. * * * Live-On Tonic * * * Live-On Medicines Are as near a Fountain of Perpetual Youth as anything yet discovered. * * * Live-On Tonic Eliminates from the system poisonous gases and decayed matter, and is therefore

recommended as a Blood Purifier and System Cleanser. Your Stomach, Bowels and Intestines must be free from these foreign matters if you wish to enjoy good health. This Tonic aids the natural digestive process through its prompt though gentle corrective action. Bodily nourishment is derived through the proper assimilation of wholesome foods. This preparation will build up a run down person in a very short time. * * * Live-On * * * Live-On Tonic Assists in Producing Digestive Juices. A Real Tonic And System Builder"; (circular) "Live-On' Remedies * * * Live-On Tonic. Before I commenced taking this tonic I was all run down, thin and poor in flesh and had no appetite for anything. I commenced taking this medicine and continued taking it for some time and today I am strong, healthy and well. I recommend this medicine to anyone who is looking for a real tonic to build up a run-down system. * * * Live-On * * * Live-On Remedies * * * If you know your ailment, we urge you to select one of the Live-On Remedies to treat that ailment. Millions of people have now come to understand, that when they buy Live-on Remedies they buy health insurance of a splendid character. * * * Live-On—A Real Tonic and System Builder The Wonderful Tonic for * * * Biliousness, Loss of Appetite and Weight, Indigestion, Sluggish Liver and Bowels, Blood Purifier and System Cleanser. When tired or run down take Live-on Tonic, it will make you feel better and look better the year round. * * * Live-On."

On September 21, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21228. Adulteration and misbranding of hydrogen peroxide. U. S. v. 30 Dozen Bottles of Hydrogen Peroxide. Default decree of forfeiture and destruction. (F. & D. no. 30865. Sample No. 34528-A.)

The product in this case was represented to be 3-percent hydrogen peroxide, which would yield 10 times its volume of oxygen, the minimum standard for solution of hydrogen peroxide laid down in the United States Pharmacopoeia. Examination showed that the article was approximately 87 percent of the declared strength. Sample bottles were found to contain less than the labeled weight, 4 ounces.

On June 26, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 dozen bottles of hydrogen peroxide at Holyoke, Mass., alleging that the article had been shipped in interstate commerce on or about October 11, 1932, by the Red Line Products Co., from Memphis, Tenn., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Genuine St. Joseph's Hydrogen Peroxide U. S. P. * * * A product of St. Joseph's Laboratories New York Memphis U.S.A."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength and quality as determined by the test laid down in the said pharmacopoeia, and its own standard was not stated on the container. Misbranding was alleged for the reason that the following statements on the bottle label were false and misleading: "Hydrogen Peroxide U. S. P. 10 Vols. 3% * * * Active Ingredients H_2O_2 3% * * * Contents 4 Fluid Ozs. St. Joseph's Hydrogen Peroxide meets the requirements of the United States Pharmacopoeia as to strength for general medicinal purposes as it is ten volume solution of H_2O_2 ."

On July 20, 1933, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21229. Adulteration and misbranding of drug tablets (Neuralgic No. 5, Caffeine & Salicylate Comp., Antipyrine & Soda Bromide, Nitroglycerin, and Special No. 3194). U. S. v. Charles Killgore. Plea of guilty. Fine, \$100. (F. & D. no. 29405. I. S. nos. 42769, 43509, 43776, 43780, 43781.)

This case was based on interstate shipments of drug tablets in which material shortages of one or more of the declared therapeutic agents were found.

On July 13, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the

district court an information against Charles Killgore, New York, N.Y., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about October 29, November 11, December 2, and December 3, 1931, from the State of New York into the State of Connecticut, and on or about November 2, 1931, from the State of New York into the State of Massachusetts, of quantities of drug tablets which were adulterated and misbranded. The articles were labeled in part: "Neuralgic No. 5, Antifebrin, 2 grs."; "Caffeine and Salicylate Comp. Acetanilid, 2½ grs."; "Antipyrine & Soda Bromide. Antipyrine 1 gr. Soda Bromide 3 grs."; "Nitroglycerin 1-100 gr."; "Special #3194 Acetphenetidin 3 grs. * * * Manufactured By Charles Killgore * * * New York."

It was alleged in the information that the articles were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, as follows:

Each of the Neuralgic No. 5 tablets was represented to contain 2 grains of antifebrin, that is to say, 2 grains of acetanilid, whereas each of the said tablets contained less acetanilid, than declared, namely, not more than 1.76 grains of acetanilid;

Each of the caffeine and salicylate tablets was represented to contain 2½ grains of acetanilid; whereas each of the said tablets contained less acetanilid than declared, namely, not more than 2.177 grains;

Each of the antipyrine & soda bromide tablets was represented to contain 1 grain of antipyrine and 3 grains of soda bromide; whereas each of the tablets contained less of the said drugs than declared, namely, not more than 0.886 grain of antipyrine and not more than 2.70 grains of soda bromide;

Each of the nitroglycerin tablets was represented to contain 1/100 grain of nitroglycerin; whereas each of the tablets contained less nitroglycerin than declared, namely, not more than 0.00685 grain of nitroglycerin;

Each of the Special No. 3194 tablets was represented to contain 3 grains of acetphenetidin; whereas each of the tablets contained less acetphenetidin than declared, namely, not more than 2.661 grains of acetphenetidin.

Misbranding was alleged for the reason that the following statements on the labels of the various products, "Antifebrin 2 grs. * * * Tablets", with respect to the Neuralgic No. 5 tablets, "Acetanilid 2½ grs. * * * Tablets", with respect to the Caffeine and Salicylate Tablets, "Antipyrine 1 gr. Soda Bromide 3 grs. * * * Tablets", with respect to the Antipyrine and Soda Bromide tablets, "Nitroglycerin * * * Tablets" with respect to the nitroglycerin tablets, and "Acetphenetidin 3 gr * * * Tablets", with respect to the Special No. 3194 tablets, were false and misleading.

On July 31, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100 on each of the 10 counts and ordered that sentence be suspended as to counts 2 to 10 inclusive.

M. L. WILSON, *Acting Secretary of Agriculture.*

21230. Misbranding of Vapex. U. S. v. 35 Dozen Bottles, et al., of Vapex. Default decrees of forfeiture and destruction. (F. & D. nos. 29678, 29679, 29713. Sample nos. 16376-A, 16377-A, 16378-A, 16582-A.)

These cases involved various shipments of Vapex, a drug preparation. In one of the lots the label bore no declaration of the alcohol content, and in the remaining lots the declaration was not properly made. Tests of the article showed that it did not possess the bactericidal properties claimed in the labeling. It was also claimed for the article that it was made in England, whereas a part of the manufacturing process was carried on in this country.

On December 29, 1932, and January 4, 1933, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 207 dozen bottles of Vapex at Boston, Mass., alleging that the article had been shipped in interstate commerce, in various lots between the dates of September 30, 1932 and December 15, 1932, by E. Fougera & Co., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of volatile oils such as menthol and lavender oil (alcohol approximately 66 percent by volume), and water.

It was alleged in the libels that the article was misbranded in that the packages failed to bear upon the label a statement of the quantity or proportion of alcohol contained in the article, since no declaration appeared in one lot, and the remaining lots bore an inconspicuous statement of the alcohol content on the reverse side of the bottle label, and no statement appeared on the cartons.

Misbranding was alleged for the further reason that the following statements appearing in the labeling were false and misleading: (Circular, all lots) "Vapex is produced in England by Thos. Kerfoot & Co., Ltd."; (cartons of portion) "Vapex is produced in England by Thos. Kerfoot & Co., Ltd."; (cartons of remainder) "Vapex is a product of Thos. Kerfoot & Co., Ltd., Bardsley, England." Misbranding was alleged for the further reason that the statement appearing in the circular, regarding the curative and therapeutic effect of the article, "Laboratory tests have proved that the Vapex vapor kills the pathogenic bacteria present in the breathing passages", was false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effect claimed.

Donalds Limited, Inc., a Delaware corporation, appeared and filed a claim for the property. On August 18, 1933, proclamation having been made and defaults having been entered against the claimant for failure to file answers, judgments of forfeiture were entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21231. Misbranding of Burbank kelp. U. S. v. 21 Cans of Burbank Kelp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30468. Sample no. 36593-A.)

Examination of samples of the product Burbank kelp disclosed that it contained no ingredients or medicinal agents capable of producing certain curative and therapeutic effects claimed on the can label.

On May 17, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 cans of Burbank kelp at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on January 14, 1933, by the Vegetable Products Corporation, from Burbank, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of ground sea weed.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the article, appearing on the can label, were false and fraudulent: " * * * and stabilization of iodine metabolism. It is indicated as a relief for certain deficiency diseases and glandular disturbances, particularly goitre. It is also recommended for the relief of some forms of nervousness, rheumatism, asthma, anemia, and digestive trouble. * * * Directions Adult Dosage—Teaspoonful three times daily at mealtime. Usually taken dry, followed by water, but may be mixed in orange or tomato juice. Smaller quantities for children, according to age."

On June 16, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21232. Adulteration and misbranding of Foster's white camphor liniment. U. S. v. 25 9/12 Dozen and 28 9/12 Dozen Bottles of Foster's White Camphor Liniment. Default decrees of destruction entered. (F. & D. nos. 30543, 30544. Sample nos. 39101-A, 39175-A.)

These cases involved a product sold under a name recognized in the United States Pharmacopoeia, which fell below the pharmacopoeial requirements. It was represented to be a camphor liniment, and contained significant proportions of other drugs. The labels also bore unwarranted curative and therapeutic claims.

On May 31, 1933, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 54½ dozen bottles of Foster's white camphor liniment at Savannah, Ga., alleging that the article had been shipped in interstate commerce, on or about April 7 and April 27, 1933, by the Keystone Manufacturing Co., Inc., from South Boston, Va., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of volatile oils including camphor oil, ammonia (approximately 2 percent), soap, and water.

It was alleged in the libels that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, namely, "Camphor Liniment", and different from the standard of strength, quality, and purity as set forth in the said pharmacopoeia, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the name of the article, "Camphor Liniment", was false and misleading, since it contained significant proportions of drugs other than camphor. Misbranding was alleged for the further reason that the following statements regarding its curative or therapeutic effects, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "For Rheumatism, * * * Swellings, Soreness, Stiff Joints, * * * Frost Bites, * * * Pain in Side, Chest or Back. * * * Affected Parts * * * For Curb, Sweeney, Bone Spavin, Wind Galls, &c."; (carton) "Curing all Curable Lameness, Inflammation, wounds. * * * Sore neck or Shoulder, Contracted Cords, * * * Stiff Joints, Sweeney, Curb, Etc. * * * Affected Parts * * * For Curb, Sweeney, Bone Spavin, Wind Galls, &c. * * * For Rheumatism, * * * Swellings, * * * Soreness, Stiff Joints, * * * Frost Bites, * * * Pimples, Pains in Side, Chest or Back."

On June 30, 1933, no claimant having appeared for the property, judgments were entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21233. Misbranding of Tarolfectant. U. S. v. 1 Drum of Tarolfectant. Default decree of destruction entered. (F. & D. no. 30071. Sample no. 22116-A.)

Examination of the product Tarolfectant disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On April 11, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one drum of Tarolfectant at Windom, Minn., alleging that the article had been shipped in interstate commerce, on or about March 4, 1933, by the Sioux Oil Tar Disinfecting Co., from Sioux City, Iowa, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of coal-tar oils.

It was alleged in the libel that the article was misbranded in that the following statements on the label, regarding the curative or therapeutic effects of the article, were false and fraudulent: "Hog Flu * * * Directions for Hog Flu * * * Three treatments in nine days should make all your hogs * * * in a more healthful condition."

On June 7, 1933, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21234. Adulteration and misbranding of tincture digitalis. U. S. v. Eight 1-Pint Bottles of Tincture Digitalis. Default decree of condemnation and destruction. (F. & D. no. 30499. Sample no. 31862-A.)

This case involved a product, represented to be tincture of digitalis of pharmacopoeial standard, which was found to have a potency of not more than two-thirds of that required by the United States Pharmacopoeia for tincture of digitalis.

On or about May 22, 1933, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight 1-pint bottles of tincture of digitalis at Stamford, Conn., alleging that the article had been shipped in interstate commerce, on or about October 22, 1931, by William R. Warner & Co., Inc., from New York, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Tincture * * * Digitalis * * * U. S. P. X." The article was labeled in part: "Tincture Fat Free Digitalis S. & H. U. S. P. X. * * * The Searle & Hereth Co. Manufacturing Chemists Laboratories New York St. Louis."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from

the standard of strength as determined by the test laid down in the said pharmacopoeia, and its own standard of strength was not stated on the container.

Misbranding was alleged for the reason that the statements on the label, "Tincture * * * Digitalis * * * U. S. P. X. * * * It is of full U. S. P. strength", were false and misleading, since it had a potency of not more than two-thirds of that required by the United States Pharmacopoeia for digitalis tincture.

On June 29, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21235. Adulteration and misbranding of Ergot-Apiol. U. S. v. 213 Packages and 68 Packages of Ergot-Apiol. Default decree of condemnation and destruction. (F. & D. nos. 30345, 30346. Sample nos. 17334-A, 29832-A.)

These cases involved a drug preparation which was labeled to convey the impression that it contained the therapeutically important principles of ergot. Biological tests of the article showed that it contained no ergot alkaloids. Examination further showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the box label and in a circular shipped with the article.

On April 21, 1933, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 281 packages of Ergot-Apiol at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce in various shipments on or about September 2, October 15, and December 6, 1932, by the American Pharmaceutical Co., from New York, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of material derived from plants, including a nonvolatile oil such as apiol, and a volatile oil such as savin oil. It contained no ergot alkaloids.

It was alleged in the libels that the article was adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, on tin box and circular, "Ergot."

Misbranding was alleged for the reason that the statements on the tin box, "Ergot", and in the circular, "Ergot * * * is a skillfully prepared compound of * * * Ergot", were false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Tin box) "For amenorrhea, dysmenorrhea and menstrual disorders"; (circular) "For the Treatment of Menstrual Disorders; Relieves Pain * * * for amenorrhea, dysmenorrhea and menstrual disorders * * * for use in the treatment of Menstrual disorders * * * is of value, and in general is indicated, in the conditions described below * * * ; Amenorrhea—When menstrual flow is absent or scanty as a result of shock, exposure, or nervous strain, 1 capsule should be given 3 times a day for 3 days, then increased to 2 capsules 3 times a day until the flow has been established, when it is reduced to 1 capsule twice a day. Dysmenorrhea—in cases where the complaint is chronic, Ergot-Apiol should be taken a few days in advance of the period and continued until the flow has ceased. In most cases one capsule 4 times a day is sufficient, but when pain is unusually severe 2 capsules may be given 4 times a day. Menorrhagia—When the flow is excessive, resulting in weakness and lack of energy, one capsule may be administered 4 times a day. Menostasis—To re-establish the flow, 2 tablets may be administered 3 to 4 times a day, in conjunction with frequent sitz baths, if preferred. Menopause * * * an aid in easing the disturbances attending final cessation of the menstrual functions."

On July 3, 1933, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21236. Misbranding of Mineralcrystals. U. S. v. 30 Packages of Mineral Crystals. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29969. Sample no. 26986-A.)

Examination of the drug preparation Mineralcrystals disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the circular shipped with the article.

On March 21, 1933, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 packages of Mineralcrystals at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce, on or about November 14, 1932, by the Mineral Wells Crystal & Water Co., from Mineral Wells, Tex., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of anhydrous sodium sulphate (98.7 percent), with small proportions of other salts such as sodium chloride, calcium carbonate, magnesium carbonate, and sodium carbonate.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular, regarding the curative and therapeutic effects of the article, were false and fraudulent: "Recommended for Stomach Trouble, Kidney and Bladder Trouble, * * * Rheumatism, Arthritis, Neuritis, High Blood Pressure, Auto-Intoxication, Bad Complexion, and many other diseases. * * * The curative properties of these health giving waters * * * Those of you who are unable to come to Mineral Wells are thus afforded the opportunity of making mineral water in your own home with 'Mineral crystals.' Approximately one pound makes 15 gallons of mineral water. Mineral Wells mineral water has been very successful especially in the treatment of ailments caused by poor elimination. These ailments are more commonly known as * * * Kidney Troubles, Diabetes, Bright's Disease, Liver and Bladder Trouble, Rheumatism, Excess Acidity, Arthritis, Neuritis, Gout, High and Low Blood Pressure, Stomach Disorders, Nervous Ailments, and Poor Complexion. * * * and to thoroughly react on the kidneys. * * * until the proper elimination is obtained. * * * This treatment keeps the system clear of impurities, * * * Treatment of rheumatism has been successful * * * will counteract acidity in the system and prove of great benefit in the treatment of High Blood Pressure and various Nervous Ailments."

On July 11, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. Wilson, *Acting Secretary of Agriculture.*

21237. Misbranding of Wonder Crystals. U. S. v. 27 Packages of Wonder Crystals. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30707. Sample no. 40542-A.)

Examination of the drug product Wonder Crystals, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On July 17, 1933, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 packages of Wonder Crystals at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce, on or about March 16, 1933, by the Wonder Crystals Product Co., from Holdrege, Nebr., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of crystallized sodium sulphate.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Circular) "Drink Your Way to Health * * * restoring their bodily functions to normal and promptly bringing themselves to health. * * * in relieving many common ailments. * * * It wi (sic) cleanse the intestines promptly, clear the blood stream of poisons and neutralize acidity; it will promote eliminative processes and assist the liver and kidneys to resume their normal functions, thus keeping the system in a healthy condition and defeating many of the most common ills of life. Especially is it recommended to those suffer-

ing from any chronic ailments brought on by faulty elimination. * * * have been found of great benefit in the treatment of the following diseases and conditions: Chronic Constipation; Bright's Disease; Indigestion; Dyspepsia; Chronic Gall Bladder Disturbances; Pyelitis; Cystitis; Gout; Nervous Indigestion; Diabetes; as a laxative during Pregnancy and other disorders of the genito-urinary tract where flushing or elimination is desired. * * * found beneficial in treating the following ailments: * * * helps to neutralize the acids commonly formed in the body during metabolism. For the same reason it has been of benefit in treating gout, pyelitis, bladder diseases, neuritis, yellow jaundice, nervous dyspepsia, gastritis and various forms of indigestion. High Blood Pressure is benefited by the elimination power of the water. In Bright's Disease, kidney and bladder infections, * * * and removes a part of the poison through the intestinal canal, which helps to restore the kidneys to normal. * * * it helps to remove any pus present in the kidneys. Drinking a sufficient quantity of water is essential, for the maintenance of health, and the consistent drinking of Wonder Crystal Mineral Water is very likely to be of great benefit in restoring health."

On August 28, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21238. Misbranding of Sip O. U. S. v. 34 Bottles of Sip O. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30651. Sample no. 22166-A.)

Examination of the drug preparation Sip O disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On June 22, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 bottles of Sip O at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce, on or about January 6, 1933, by the McCabe Drug Co., from Fargo N. Dak., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts of plant drugs, menthol, tar, chloroform, sugar, and water.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: "For coughs * * * a valuable remedy for coughs * * * bronchitis, bronchial asthma * * * whooping cough, sore throat, catarrh, fever * * * hoarseness."

On August 31, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21239. Misbranding of Sauer's Nerve and Bone Oil. U. S. v. 118 Packages of Sauer's Nerve and Bone Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30653. Sample no. 40143-A.)

Examination of the drug preparation, Sauer's Nerve and Bone Oil, disclosed that it contained no ingredients or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On June 22, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 118 packages of Sauer's Nerve and Bone Oil at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about May 10, 1933, by the C. F. Sauer Co., from Richmond, Va., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of volatile oils including methyl salicylate, camphor, camphor oil, menthol, and eucalyptol, colored green.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Wrapper) "Nerve

and Bone Oil For Pain * * * Recommended specially for Rheumatism, * * * Swellings, * * * Pains and Weakness in the Back, Toothache, * * * and in fact every disease, requiring an External application on man or beast. * * * affected parts * * * in severe cases"; (bottle) "Nerve and Bone Oil for Pain * * * Recommended for Rheumatism, Contracted Muscles, Pain in the Breast, Side or Back, Pains and Stiffness in the Joints, * * * Frosted Feet, Hard Swellings, and Tumors. * * * Toothache, Throat Complaints of all kinds, etc."; (circular) "Nerve and Bone Oil * * * Nerve and Bone Oil Recommended for Rheumatism, Contracted Muscles, Pain in the Breast, Side or Back, Pains and Stiffness in the joints, * * * Frosted feet, Hard Swellings and Tumors, * * * Toothache, Throat Complaints of all kinds, Etc. * * * Effective * * * it relieves any ordinary pain. It has been used successfully for the most painful and complicated cases where by external application the trouble can be reached. Directions: For Rheumatism, Stiff and Weak Joints * * * the painful parts * * * Nerve and Bone Oil * * * It tends to * * * relieve the parts giving the pain. * * * Nerve and Bone Oil In cases of severe Headache * * * where the pain is most severe. * * * relieving the pain. * * * Rheumatism, * * * Swelling, * * * Sore Throat, Frost Bites, Lameness, Pain in the Back * * * For Toothache * * * Nerve and Bone Oil."

On August 1, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21240. Misbranding of Hinkaps. U. S. v. 9 Boxes of Hinkaps. Default decree of forfeiture and destruction. (F. & D. no. 30103. Sample no. 34271-A.)

Examination of the drug preparation Hinkaps disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On April 19, 1933, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine boxes of Hinkaps at Cairo, Ill., alleging that the article had been shipped in interstate commerce on or about November 16, 1932, by the Hinkle Capsule Co., Inc., from Mayfield, Ky., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of powdered cubeb and santal oil with small proportions of iron, calcium, magnesium, sodium, and potassium compounds.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Sticker label) "Kidney and Bladder"; (folder) "How nature warns against danger by getting you up at nights. * * * Why nature gets you up at nights. Frequent getting up at night is Nature's way of warning you that you have weak kidneys or bladder or both. Nature takes this way of telling you that action must be taken to strengthen these organs before some dire disease such as diabetes, Bright's Disease or any of the many other serious renal ailments afflicts you. By taking prompt action, these terrible diseases can be avoided, as they usually strike when a weak condition exists. Hinkaps promote and maintain a sanitary condition of these organs and assist Nature in restoring normal action by making the kidneys and bladder sound and healthy, able to resist disease. How To Get The Best Results * * * For Healthy Kidneys and Bladder—Take Hinkaps."

On July 6, 1933, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21241. Misbranding of Medicinal Condition Powder. U. S. v. 9 1/3 Dozen Packages of Medicinal Condition Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30569. Sample no. 28168-A.)

Examination of the drug preparation, Medicinal Condition Powder, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On June 12, 1933, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 9¼ dozen packages of Medicinal Condition Powder at Las Vegas, N.Mex., alleging that the article had been shipped in interstate commerce, on or about August 15, 1932, by the J. H. McLean Medicine Co., from St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of plant material, including fenugreek, and small proportions of an iron compound and phosphates, and a trace of strychnine.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Cartón) "For Horses: Loss of appetite, Loss of Flesh, Hide Bound, Coughs, Colds, * * * For Distemper, Pink Eye, Kidney Troubles, Epizootic, * * * If the animal is sick and will not eat, * * * For Hogs, Sheep or Goats: To prevent disease give to each animal one heaping tablespoonful once a day. If diseased give one heaping tablespoonful twice a day. * * * If the fowls will not eat"; (circular) "For Horses: Loss of Appetite, Loss of Flesh, Hide Bound, Coughs, Colds, * * * For Distemper, Pink Eye, Kidney Troubles and Epizootic, * * * For Hogs, Sheep or Goats: To prevent disease, give to each animal one heaping tablespoonful once a day. * * * If the fowls will not eat * * * For Sore Throat, Roup and Canker: * * * In the food use the Condition Powder regularly, allowing one heaping tablespoonful to every five fowls. For Diarrhea: Put a small quantity of Condition Powder into the mouth * * * For Chicken-Cholera and Gapes." (Similar statements in Spanish appear on carton and circular.)

On July 13, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21242. Misbranding of Alberty's Anti-Diabetic Vegetable Compound Capsules. U. S. v. 34 Boxes of Alberty's Anti-Diabetic Vegetable Compound Capsules. Default decree of destruction. (F. & D. no. 30539. Sample no. 41209-A.)

Examination of the drug product involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects implied by the statement "Anti-Diabetic."

On May 29, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 boxes of Alberty's Anti-Diabetic Vegetable Compound Capsules at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce, on or about April 5, 1933, by Alberty Food Laboratories, from Hollywood, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of powdered plant material including leaf, stem, and root tissues, and possibly a fruit or seed tissue.

It was alleged in the libel that the article was misbranded in that the statement regarding its curative or therapeutic effect, "Anti-Diabetic", was false and fraudulent.

On July 31, 1933, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21243. Misbranding of mineral oil. U. S. v. 45 Bottles of Russian Mineral Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29995. Sample no. 35907-A.)

This case involved a shipment of a product represented to be high grade Russian mineral oil, which in fact consisted of a low-grade mineral oil containing a considerable amount of carbonizable substances.

On March 31, 1933, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 bottles of Russian mineral oil at Grand Rapids, Mich., alleging that the article had been shipped in

interstate commerce, on or about February 22, 1933, by the Mills Sales Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Imported Russian Mineral Oil."

It was alleged in the libel that the article was misbranded in that the name "Mineral Oil" was false and misleading, since it was intended to create the impression that the article was liquid petrolatum as defined and described in the United States Pharmacopoeia, whereas it was not. Misbranding was alleged for the further reason that the statements, "This Russian Mineral Oil * * * is of the best grade" and "This mineral oil is guaranteed to meet the highest standard of Medicinal Products", were false and misleading, since the article was not of the best grade, and did not meet the highest standard of medicinal products.

On July 6, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21244. Adulteration and misbranding of oil of lavender. U. S. v. 24 Bottles of Oil of Lavender. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30414. Sample no. 37487-A.)

This case involved a shipment of a product represented to be oil of lavender of pharmacopoeial standard, which fell below the standard laid down in the United States Pharmacopoeia for oil of lavender, in that it yielded 5.88 percent of esters calculated at linalyl acetate, that its odor was not characteristic of lavender flowers, that it was not soluble in three volumes of 70-percent alcohol, that its specific gravity at 25° C. was 0.898, that its refractive index at 20° was 1.4726 and that when tested by the method described in the pharmacopoeia for acetins 4.45 cubic centimeters of half-normal hydrochloric acid was required for neutralization; whereas the pharmacopoeia provides that oil of lavender yield not less than 30 percent of esters calculated as linalyl acetate, that it have the characteristic odor of lavender flowers, that it be soluble in three volumes of 70-percent alcohol, that its specific gravity at 25° be not more than 0.888, that its refractive index at 20° be not more than 1.464, and that when tested by the method described in the pharmacopoeia for acetins not less than 4.7 cubic centimeters of half-normal hydrochloric acid be required for neutralization.

On May 8, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 bottles of oil of lavender at Perry Point, Md., alleging that the article had been shipped in interstate commerce on or about April 20, 1933, by James Good, Inc., from Philadelphia, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Oil of Lavender, U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia, and its own standard was not stated upon the container.

Misbranding was alleged for the reason that the statement on the label, "Oil of Lavender, U. S. P.," was false and misleading, and for the further reason that the article was an imitation of and was offered for sale under the name of another article.

On July 13, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21245. Misbranding of Astra Asthma Relievers. U. S. v. 143 Packages of Astra Asthma Relievers. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30046. Sample no. 30418-A.)

Examination of the drug preparation, Astra Asthma Relievers, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On April 4, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 143 packages of Astra Asthma Relievers at Baltimore, Md., alleging that the article had been shipped in

interstate commerce, on or about November 1, 1932, by Superior Medicated Products Corporation from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted of stramonium leaves prepared in the form of cigarettes.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Carton) " * * * Relievers instantly relieve Asthma, Hay Fever, Bronchitis, Catarrh * * * Sore Throat and all ailments of the throat, nose, lungs, and respiratory tract. For instantaneous relief in any of these ailments, light up an Astra just the same as a cigarette, inhale deeply, and after a few seconds, slowly let the smoke out through the nostrils. In this way the smoke reaches all the affected parts * * * and opens up the air passages"; (wrapper) "Instant relief for asthma, catarrh, hay fever"; (display carton) "Asthma Relievers * * * A sure relief from Asthma, Hay Fever, Bronchial Ailments."

On July 13, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21246. Adulteration and misbranding of mineral oil. U. S. v. 10 Gross Bottles of Imported Russian Mineral Oil. Consent decree ordering product released under bond to be relabeled. (F. & D. no. 30074. Sample no. 31656-A.)

This case involved a quantity of light mineral oil. The article was represented to be heavy mineral oil. It also was falsely labeled as to the name of the manufacturer and the State in which it was made.

On April 13, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 gross bottles of mineral oil at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about March 25, 1933, by the Gibson-Howell Sales Co., from Jersey City, N.J., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that its purity fell below the professed standard and quality under which it was sold, namely, "Russian Mineral Oil Heavy."

Misbranding was alleged for the reason that the name, "Russian Mineral Oil Heavy", borne on the label, was false and misleading, since it tended to create the impression that the article was heavy liquid petrolatum as defined in the United States Pharmacopoeia, whereas it was not heavy liquid petrolatum. Misbranding was alleged for the further reason that the statement on the label, "Honor Research Laboratories, New York, Chicago", was false and misleading with respect to the identity and location of the producer or packer; and in that the article was falsely branded as to the State in which it was manufactured or produced.

On July 21, 1933, the Gibson-Howell Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree condemning the goods, judgment was entered ordering that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned that the labels be removed under the supervision of this Department, and that it be relabeled in part: "Light Mineral Oil 1 Pint Packed by Gibson-Howell Co., of Jersey City."

M. L. WILSON, *Acting Secretary of Agriculture.*

21247. Misbranding of Dr. E. A. Welters Wonderful Tooth Powder. U. S. v. 60 Packages of Dr. E. A. Welters Wonderful Tooth Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30464. Sample no. 35592-A.)

Examination of Dr. E. A. Welters Wonderful Tooth Powder disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and can labels.

On May 15, 1933, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 packages of Dr. E. A. Welters Wonderful Tooth Powder at New Orleans, La., alleging that

the article had been shipped in interstate commerce on or about January 27, 1933, by E. A. Welters Tooth Powder Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of calcium carbonate, soap, and alum flavored with peppermint oil and sweetened with saccharin.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Carton) "For Toughening Tender Gums Helps Prevent Decay * * * Allow 'foam' created by moistened powder, to remain on 'tender gums' 20 to 30 seconds before expectorating (spitting). * * * to help 'toughen tender gums' * * * It is simply a combination of ingredients recognized by many of the dental profession, as standards for the care and preservation of the teeth and gums"; (can) "Toughens Tender Gums Helps Prevent Decay * * * to help toughen tender, bleeding gums, * * * and prevent decay."

On June 22, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21248. Misbranding of Apinol. U. S. v. 5¾ Dozen 2-Ounce Bottles and Ten 16-Ounce Bottles of Apinol. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30363. Sample nos. 32665-A, 32666-A.)

Examination of the product Apinol disclosed that it contained no ingredient capable of producing certain curative and therapeutic effects claimed in the labeling. It also was claimed for the article that it was an antiseptic mouth wash and was not poisonous; whereas it was not an antiseptic when used as a mouth wash, and was poisonous.

On April 28, 1933, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 5¾ dozen 2-ounce bottles and ten 16-ounce bottles of Apinol at Columbia, S.C., alleging that the article had been shipped in interstate commerce, on or about February 25, 1933, by the Apinol Corporation, from Wilmington, N.C., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of pine oil. Bacteriological examination showed that the product would not be effective as an antiseptic for the mouth when used as a dentifrice.

It was alleged in the libel that the article was misbranded in that the statements on the cartons, "Apinol is a safe non-poisonous antiseptic and application to replace iodine, carbolic acid and corrosive sublimate", were false, since the article was poisonous and did not have the antiseptic powers of the substances named. Misbranding was alleged for the further reason that the statements on the bottle and in the circular, (bottle) "Mouth Antiseptic—A few drops of Apinol on the toothbrush" and (circular) "Mouth Hygiene Use two drops of Apinol on the toothbrush. This has an antiseptic effect", were false and misleading, since the article was not effective as an antiseptic when so used. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity: (Carton labels, 2-ounce and 16-ounce size) "Sores * * * (Keeps Out Infection)"; (bottle label, 2-ounce size) "(Keeps Out Infection) * * * Dirty Wounds, Old Sores, * * * Use this same method for the Bites of Animals, Powder Burns or Rusty Nail Wounds, but also consult a physician. * * * A few drops of Apinol on the toothbrush will * * * combat pyorrhea"; (circular, 2-ounce size) "Destroys Germs and Keeps Out Infection Strong enough to Kill Germs or to Prevent Infection * * * It is * * * deadly to germs * * * Open Sores * * * Fly infected Wounds * * * Hoof Rot * * * Germ-destroying Properties of Apinol * * * Staphylococcus aureus, Streptococcus hemolyticus, Bacillus typhosus, Bacillus subtilis, Bacillus Coli communis, Bacillus tetani, Pus discharges, Boils, Chronic infections, blood poisoning, erysipelas, Typhoid, Anthrax, Ulcers, Abscesses, Tetanus or lockjaw. * * * Apinol, however, prevents the multiplication of the spores and thus in the case

of lockjaw it is proven that Apinol will arrest the propagation of the tetanus germ, preventing poison from getting into the system, and the course of treatment and dressing eventually removes all infection, including the spores, * * * tests on infected areas in human cases. Case No. 1: Ulcer on leg. Patient was treated twice and did not return. Case No. 2: Ulcer on wrist. Apinol wet dressing every other day for five days brought complete cure. Case No. 3: Boil on finger. Four wet dressings were applied—one a day for four days. Cultures were negative after second dressing; boil completely healed in ten days. Case No. 4: Old ulcer on back of neck—began as a boil. Wet dressing of Apinol every other day. Cultures negative on fifth day. Completely healed in sixteen days. Case No. 5: Ulcers on ankle, 18 years' standing. Had 'tried everything.' Treated every other day with Apinol swabbed into lesions and with daily wet dressings. Marked reduction of organisms found after every examination. Cultures sterile after fifth examination. Completely healed after 2 months. * * * To treat deep cuts, ragged wounds, * * * dirty abrasions, * * * or any other wound that may have been infected from its very cause, * * * In cases of animal bites, rusty nail wounds or any other wound requiring stitching or cauterization, call a doctor at once but use Apinol as emergency treatment. If a wound is well cleansed in the beginning and kept wet with Apinol, it is very unlikely that there will be any discharge or pus. Gradually, Apinol combines with the secretions into a hard mass, impervious to water, which forms an effective seal against infection from air, water or other outside contact. When it becomes necessary to change the bandage, just drench the whole mass with Apinol, when it becomes soft and may be lifted off without pain or disturbance of the healing process. Keep up the moist bandage treatment until the wound closes up without redness or discharge. During course of the moist bandage treatment, refrain from movements that will strain, wrench, rub or irritate the injured part. * * * Rusty Nail in Foot * * * Apinol should be used as emergency treatment, pending arrival. Powder Burns The danger is from lockjaw. * * * Apply Apinol pending his arrival. * * * Bites of animals Always call a doctor. Pending his arrival, cleanse the wound and pour on Apinol. * * * Nasal Catarrh * * * Chest Colds Saturate a cotton cloth with Apinol, apply to the chest and cover with hot flannel. * * * helps to keep off bronchitis or pneumonia. * * * Infected Nails * * * Insects, Mosquito Bites, Etc. * * * keeps out infection, * * * Toothache * * * attacking the infecting germs."

On June 10, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21249. Misbranding of Fowlerine. U. S. v. David Lee. Plea of nolo contendere. Fine, 1 cent. (F. & D. no. 27467. I. S. no. 14925.)

Examination of the drug preparation Fowlerine disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle label, and in a circular shipped with the article.

On May 16, 1932, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for the district aforesaid an information against David Lee, a member of a copartnership trading as the Fowler Medicine Co., Memphis, Tenn., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about January 7, 1931, from the State of Tennessee into the State of Kentucky, of a quantity of Fowlerine which was misbranded.

Analysis of a sample of the article by this Department showed that it consisted of sulphonated oil, turpentine, and methyl salicylate.

It was alleged in the information that the article was misbranded in that certain statements appearing on the bottle label, regarding the curative and therapeutic effects of the article, falsely and fraudulently represented that it was effective as a remedy for kidney, bladder, and rheumatic trouble, indigestion, colic, cramp, and those conditions of the stomach which lead to appendicitis, and effective as a treatment for periodical cramp and suppressions; and for the further reason that certain statements appearing in a circular shipped with the article falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for kidney, bladder, and rheumatic trouble, rheumatism, Bright's disease, diabetes, dropsy, heart failure, and other fatal ailments,

indigestion, nervousness, and lumbago; effective as a treatment, remedy, and cure for any disorder of the kidneys, and stomach disorders, nervousness, and rheumatism in any form; effective as a cure for pleurisy, gastritis, dyspepsia, and diseases of the appendix; and effective to totally eliminate the sordid conditions that come from disorders of the kidneys, stomach, and generative organs such as rheumatism, heart trouble, stomach trouble, backache, dropsy, and other ailments.

On March 20, 1933, the defendant entered a plea of *nolo contendere* to the information and the court imposed a fine of 1 cent.

M. L. WILSON, *Acting Secretary of Agriculture.*

21259. Adulteration and misbranding of barbital tablets, and Lees Antiseptine Powder. U. S. v. Moore & Co., Inc. Plea of guilty. Fine, \$50. (F. & D. no. 29399. I. S. nos. 42668, 42891, 43267.)

This case was based on an interstate shipment of two lots of alleged 5-grain barbital tablets, and a quantity of Lees Antiseptine Powder which was represented to be a germicide. Examination showed that the barbital tablets contained less than 5 grains, each, of barbital, and that the Antiseptine Powder was not a germicide, when used as directed, and that it contained no aluminum sulphate or oxyquinoline sulphate, two substances which were declared on the label as ingredients.

On June 27, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Moore & Co., Inc., a corporation, Worcester, Mass., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 9 and November 10, 1931, from the State of Massachusetts into the States of New York and New Jersey, respectively, of quantities of barbital tablets; and on or about January 14, 1932, from the State of Massachusetts into the State of Pennsylvania, of a quantity of Lees Antiseptine Powder, which said products were adulterated and misbranded. The barbital tablets were labeled in part: "Compressed Tablets * * * Barbital 5 Grs. Made By Moore & Company, Inc. * * * Worcester, Mass." The Antiseptine powder was labeled in part: "Lees Antiseptine Powder, An absolutely Harmless Germicide for Cleansing Mucous Membranes. Composition * * * Aluminum Sulphate * * * Oxyquinolin Sulphate."

It was alleged in the information that the barbital tablets were adulterated in that their strength and purity fell below the professed standard under which they were sold, in that each of the tablets was represented to contain 5 grains of barbital; whereas each of said tablets contained less than 5 grains of barbital, the two lots containing 4.402 grains and 4.507 grains, respectively, of barbital per tablet.

Adulteration of the Antiseptine powder was alleged for the reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it was represented to be a germicide when used as directed, and was represented to be composed in part of aluminum sulphate and oxyquinolin sulphate; whereas it was not a germicide when used as directed, and contained no aluminum sulphate and no oxyquinolin sulphate.

Misbranding was alleged for the reason that the statements, "Tablets * * * Barbital 5 Grs." and "Germicide * * * Aluminum Sulphate * * * Oxyquinolin Sulphate", borne on the labels of the respective products, were false and misleading, since the said barbital tablets contained less than 5 grains of barbital; and the Antiseptine Powder was not a germicide, when used as directed, and contained no aluminum sulphate and no oxyquinolin sulphate.

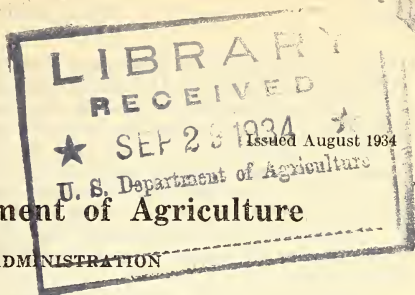
On July 10, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 21176-21250

Abilena Crystals:	N. J. No.	Ergot, fluidextract:	N. J. No.
Abilena Co	21215	Meyer Bros. Drug Co	21187
Acme Medicated Stock Salt:		Eyetex:	
Acme Stock Salt Corporation	21179	Mills Sales Co	21209
Admirine:		Fisher's Lung Balm and Household	
Eucaline Medicine Co	21212	Ointment:	
Alberty's Anti-Diabetic Vegetable Com-		Fisher, G. L	21193
pound Capsules:		Fosfarsinol:	
Alberty Food Laboratories	21220,	American Tropical Remedy	
	21242	Co	21194
U. S. Okey	21220	Blanco, J. M., Inc	21194
Calcetine:		Foster's White Camphor Liniment:	
U. S. Okey	21210	Keystone Manufacturing Co.,	
Lebara Organic Pellets:		Inc	21232
U. S. Okey	21210	Fowlerine:	
Liver Cell Salts:		Fowler Medicine Co	21249
U. S. Okey	21210	G. C. C. Golden Chemical Compound:	
Alfine Tea:		International Chemical Co	21222
Bowers, F. W	21198	Golden Blood Tonic:	
Health Laboratories, Inc	21198	McCormick, C. J	21218
McCullough, Herbert	21198	Cough Compound:	
Wright, P. T	21198	McCormick, C. J	21218
Amidopyrine Capsules:		Laxative Cold Tablets:	
Raymer Pharmacal Co	21223	McCormick, C. J	21218
Andes' Great Oil:		Rheumatism Remedy:	
Crump Laboratories	21191	McCormick, C. J	21218
Anticol:		Grimes' Ointment:	
Apex Laboratories, Inc	21204	Garey, Ellen	21183
Antipyrine and Soda Bromide:		Grimes Ointment Co	21183
Killgore, Charles	21229	H. G. C.:	
Apgo Capsules:		Acme Chemical Manufacturing	
Hance Bros. & White, Inc	21217	Co	21225
Apinol:		Hinkaps:	
Apinol Corporation	21248	Hinkle Capsule Co	21240
Aspirin tablets:		Hydrogen Peroxide:	
Hampton Manufacturing Co	21197	Red Line Products Co	21228
Mills Sales Co	21178, 21200	St. Joseph's Laboratories	21228
Astra Asthma Relievers:		Joy's Castoria:	
Superior Medicated Products		Mills Sales Co	21186
Corporation	21245	Kap Oil:	
Barbital tablets:		Kap Oil Co	21184
Moore & Co., Inc	21250	Lavender, oil of:	
Bromo Paper:		Good, James, Inc	21244
Diamond Mills Paper Co	21208	Lees Antiseptine Powder:	
Bu-Ku-Jin Elixir:		Moore & Co., Inc	21250
Prost & Calahan	21192	Live-On Tonic:	
Burbank Kelp:		Live-On Medicine Co	21227
Vegetable Products Corpora-		Treatment:	
tion	21231	Live-On Medicine Co	21227
Tea (dried alfalfa):		Mayo's dentifrice:	
California Vegetized Products		Mayo's Laboratories, Inc	21203
Co	21199	Medicinal Condition Powder:	
C. C. Special:		McLean, J. H., Medicine Co	21241
Supto Manufacturing Co	21185	Merrell's Penetrating Oil:	
Calradine and Camphor Comp. Tab-		Dunn, Dick, Drug Products	
lets:		Co	21205
Raymer Pharmacal Co	21223	Miller's Anti-Mole:	
Caffeine and Salicylate Comp.		Miller Manufacturing Co	21190
Tables:		Mineral Crystals:	
Killgore, Charles	21229	Mineral Wells Crystal & Wa-	
Caristol Comp. Tablets:		ter Co	21236
Raymer Pharmacal Co	21223	oil:	
Catalyn:		Gibson-Howell Sales Co	21246
Vitamin Products Co	21213	Mills Sales Co	21243
Cre-Cal-Co:		National Poultry Vigor:	
Creo Chemical Co	21224	National Feeder's Corporation	21195
Dennos Food:		Stock Vigor:	
Dennos Food Co	21177	National Feeder's Corporation	21195
Digitalis, tincture:		Yeastolized Medicated Salt:	
Searle & Hereth Co	21234	Mathers, Voris	21196
Warner, William R., & Co.,		Yeastolized Poultry Tonic:	
Inc	21234	Mathers, Voris	21196
Edrolax:		Neuralgic No. 5:	
Edros Natural Products, Inc	21226	Killgore, Charles	21229
Ergot-Apiol:		Nitroglycerin tablets:	
American Pharmaceutical Co	21235	Killgore, Charles	21229

Normalettes:	N. J. No.	Tarolfectant:	N. J. No.
Bower, F. W.-----	21198	Sioux Oil Tar Disinfecting Co.-----	21233
Health Laboratories-----	21198	Thacher's, Dr., Diarrhoea Mixture: Allied Drug Products Co.-----	21182
McCullough, Herbert-----	21198	Thor's Vitamin Compound: Thor Pharmacal Co.-----	21189
Wright, P. T.-----	21198	Vapex: Fougere, E., & Co.-----	21230
Oculum: Hancock Inoculum Co., Inc.-----	21207	Kerfoot, Thos., & Co., Ltd.-----	21230
Petrolatum, white: Atlantic Drug Co.-----	21219	Vitamized Poultry Compound: Vitamized Products Co.-----	21201
Gotham Sales Co.-----	21216	Vi-Te-Ma Products Co.-----	21202
Pine-O-Sol: Purity Chemical Products Co.-----	21211	Stock Compound: Vitamized Products Co.-----	21201
Purina Worm Capsules: Ralston Purina Co.-----	21214	Vi-Te-Ma Products Co.-----	21202
Radumac: Gerke, Walter-----	21181	Vi-Te-Ma Poultry Compound: Vitamized Products Co.-----	21201
McKesson-Kirk-Geary Co.-----	21181	Vi-Te-Ma Products Co.-----	21202
Radumac Mineral Co.-----	21181	Stock Compound: Vitamized Products Co.-----	21201
Rayburn's Easy Antiseptic: Rayburn, W. S., & Sons-----	21180	Vi-Te-Ma Products Co.-----	21202
Regum Tooth Paste: Morgan & Sampson-----	21221	Welters, Dr. E. A., Wonderful Tooth Powder: Welter, E. A., Tooth Powder Co.-----	21247
Morgan, D. B.-----	21221	Witter Water: Witter Water Co.-----	21188
Red Gum Products Co.-----	21221	Wonder Crystals: Wonder Crystal Products Co.-----	21237
Sampson, C. O.-----	21221	Yeastolized Medicated Stock Salt: Vitamized Products Co.-----	21201
Sauer's Nerve and Bone Oil: Sauer, C. F., Co.-----	21239	Yob-I-Ana Dulce: Dulce Laboratories-----	21206
Sip O: McCabe Drug Co.-----	21238		
Sodium perborate: American Pharmaceutical Co., Inc.-----	21176		
Special No. 3194: Killgore, Charles-----	21229		



United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

21251-21500

[Approved by the Acting Secretary of Agriculture, Washington, D.C., August 7, 1934]

21251. Misbranding of canned orange juice. U. S. v. 75 Cases of Canned Orange Juice. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 30593. Sample no. 32013-A.)

This case involved an interstate shipment of canned orange juice, sample cans of which were found to contain less than the declared volume.

On June 14, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 75 cases of canned orange juice at New York, N.Y., alleging that the article had been shipped in interstate commerce in part on or about April 8, 1933, from Wiley, Fla., and in part on or about April 14, 1933, from Jacksonville, Fla., by the Tropical Juice Corporation, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Giraffe Vacuum Packed Natural Orange Juice * * * Florida 1 Qt. 1 Pt. 7 Fl. Oz. (55 Liquid Oz.) Packed by Tropical Juice Corp. Titusville, Florida."

It was alleged in the libel that the article was misbranded in that the statement, "1 Qt. 1 Pt. 7 Fl. Oz. (55 liquid Oz.)", was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On July 18, 1933, the Tropical Juice Corporation, Titusville, Fla., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that the article be relabeled by obliterating the original statement of weight and plainly and conspicuously marking the cans "1 Qt. 1 Pt. 2 Fl. Oz."

M. L. WILSON, *Acting Secretary of Agriculture.*

21252. Adulteration and misbranding of butter. U. S. v. 3 Cartons of Butter. Default decree of condemnation and forfeiture. Product delivered to a charitable organization. (F. & D. no. 30671. Sample no. 20325-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On June 1, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three cartons, each containing 60 pounds of butter at Los Angeles, Calif., alleging that the article

had been shipped in interstate commerce on or about May 27, 1933, by the Brooklawn Creamery Co., from Salt Lake City, Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Individual print) "Little Lake Creamery Brand Butter."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the article was labeled, "Butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On June 22, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered. The court having found that the product, although deficient in butterfat and in violation of the law, was wholesome and fit for human consumption, ordered that it be delivered to a charitable organization.

M. L. WILSON, *Acting Secretary of Agriculture.*

21253. Misbranding of Sea Moss Farine. U. S. v. 7 Boxes of Sea Moss Farine. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30590. Sample no. 34514-A.)

This case involved a product known as "Sea Moss Farine", which contained undeclared sulphur dioxide. The statement of the quantity of the contents of the packages appeared inconspicuously on the label; it possessed no tonic properties as claimed; and it was also labeled to convey the impression that blanc mange, puddings, and custards could be made from the article, whereas it was only one of several ingredients of such foods.

On June 13, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven boxes of Sea Moss Farine at Lynn, Mass., alleging that the article had been shipped in interstate commerce on or about January 13, 1933, by the Lyon Manufacturing Co., from Brooklyn, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Sea Moss Farine * * * For Puddings, Custards * * * This Packet will yield sixteen quarts of blanc mange * * * It combines the 'Fragrance of the Sea Breeze' with its Tonic Properties * * * 4 Oz. Net Av. Wt. * * * Lyon Mfg. Co. * * * Brooklyn, N.Y."

It was alleged in the libel that the article was misbranded in that it contained sulphur dioxide and the presence of this added abnormal ingredient was not declared on the label. Misbranding was alleged for the further reason that the statements, "Will yield * * * blanc Mange for Puddings, Custards &c" and "Tonic properties", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 10, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21254. Adulteration and misbranding of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30704. Sample no. 40625-A.)

This case involved a shipment of butter which contained less than 80 percent of milk fat and which was not labeled with a statement of the quantity of the contents.

On June 16, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on June 7, 1933, by Peter Nottleman, from Oshkosh, Wis., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted

for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923. Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 28, 1933. C. H. Weaver & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant to be reworked, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or otherwise disposed of contrary to the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

21255. Adulteration of walnuts. U. S. v. Louis Groobman (Whittier Walnut Packing Co.). Tried to the court and a jury. Verdict for the Government. Fine, \$50 and costs. (F. & D. no. 29407. I.S. no. 41291.)

This case was based on an interstate shipment of walnuts that were found to be in part wormy, moldy, rancid, and shriveled.

On January 18, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Louis Groobman, trading as the Whittier Walnut Packing Co., Whittier, Calif., alleging shipment by said defendant on or about December 3, 1931, from the State of California into the State of Nebraska of a quantity of walnuts that were adulterated. The article was labeled in part: "California Walnuts Evergreen Packed By Whittier Walnut Packing Co., Whittier, Calif."

It was alleged in the information that the article was adulterated in that it consisted in part of filthy, putrid, and decomposed vegetable and animal substances.

On July 26, 1933, the case having come on for trial before a jury and evidence having been introduced on behalf of the defendant and the Government, the jury returned a verdict of guilty, and on July 31, 1933, the court sentenced the defendant to pay a fine of \$50 and costs in the amount of \$680.68.

M. L. WILSON, *Acting Secretary of Agriculture.*

21256. Adulteration of apples. U. S. v. 109 Boxes of Apples. Default decree of condemnation. Product destroyed. (F. & D. no. 30106. Sample no. 35747-A.)

This action involved a shipment of apples that bore excessive lead spray residue.

On March 30, 1933, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 109 boxes of apples at Omaha, Nebr., alleging that the article had been shipped on or about March 16, 1933, by the Tyrrell Brown Co., from Wenatchee, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Foot-print Brand Apples * * * From Foothills of the Cascades. Packed and Shipped by Tyrrell Brown Co. Wenatchee, Wash."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On June 30, 1933, no claimant having appeared for the property, judgment of condemnation was entered, the decree provided that the apples might be delivered to the Veterans Hospital at Lincoln, Nebr., on condition that they be peeled or washed to remove the spray residue, under the supervision of a State official. On July 6, the apples, having been found to be decomposed and unfit for food, were destroyed, which destruction was approved by the court on July 31, 1933.

M. L. WILSON, *Acting Secretary of Agriculture.*

21257. Adulteration and misbranding of olive oil. U. S. v. Eleven 1-Gallon Cans of Oil. Default decree of condemnation and destruction. (F. & D. no. 30042. Sample no. 35084-A.)

This case involved the interstate shipment of a quantity of oil which was labeled to convey the impression that it was imported olive oil but which consisted chiefly of cottonseed oil of domestic origin.

On April 4, 1933, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eleven 1-gallon cans of oil at Canton, Ohio, alleging that the article had been shipped in interstate commerce by the Oriental Products Co., from Canton, Ohio, to Grand Rapids, Mich., that it had been refused by the consignee and had been returned to Canton, Ohio, and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Olio D'Olive Misto Santa Maria Brand N.U.S.P. Packed in U.S.A. By Santa Maria Olive Oil Company. * * * Questo Olio D'Olive." The label also bore designs of olive branches and the Italian national colors.

It was alleged in the libel that the article was adulterated in that cottonseed oil had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that the statements, "Olio D'Olive" and "Questo Olio D'Olive", the designs of olive branches, and the Italian national colors in the main color scheme of the principal panel of the can label were false and misleading and deceived and misled the purchaser when applied to an article consisting chiefly of cottonseed oil of domestic origin. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so, and for the further reason that it was offered for sale under the distinctive name of another article.

On July 11, 1933, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21258. Misbranding of olive oil. U. S. v. 96 Cases of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30355. Sample no. 31715-A.)

This case involved a shipment of olive oil, sample cans of which were found to contain less than the declared volume, 1 gallon.

On April 27, 1933, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 96 cases of olive oil at Brooklyn, N.Y., alleging that the article had been shipped in interstate commerce on or about April 1, 1933, by the American Trust Co., from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Madonna Brand Pure Olive Oil Packed by Riverbank Canning Co., Riverbank, California Net Contents One Gallon."

It was alleged in the libel that the article was misbranded in that the statement on the can label, "Net Contents One Gallon", was false and misleading and deceived and misled the purchaser, since the cans contained less than 1 gallon. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was incorrect.

On May 17, 1933, the Riverbank Canning Co., Riverbank, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that the cans be filled to full volume.

M. L. WILSON, *Acting Secretary of Agriculture.*

21259. Misbranding of canned cherries. U. S. v. 600 Cases of Canned Cherries. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 30553. Sample nos. 29507-A, 29549-A.)

This case involved a shipment of canned cherries which fell below the standard established by this Department, since they were water-packed cherries, and which were not labeled to indicate that they were substandard.

On June 1, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 cases of canned

cherries at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about April 17, 1933, by the Olympia Canning Co., from Olympia, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Golden Ray Brand Sour Pitted Cherries."

It was alleged in the libel that the article was misbranded in that it fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because it was water-packed cherries, and its package or label did not bear a plain and conspicuous statement, prescribed by regulation of this Department, indicating that it fell below such standard.

On June 16, 1933, the Pacific Wholesale Grocery Co., Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,400, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21260. Adulteration of butter. U. S. v. 12 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30629. Sample no. 30775-A.)

This case involved an interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On May 29, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 cubes of butter at Seattle, Wash., alleging that the article had been shipped on or about May 23, 1933, from Conrad, Mont., having been consigned by the Conrad Creamery Co., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On June 2, 1933, the Conrad Creamery, claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$360, conditioned in part that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act, and that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21261. Adulteration of vinegar. U. S. v. 91 Barrels of Vinegar. Consent decree of condemnation, forfeiture, and destruction. (F. & D. no. 30565. Sample no. 42031-A.)

This case involved an interstate shipment of vinegar that contained arsenic trioxide in an amount that might have rendered it injurious to health.

On June 19, 1933, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 91 barrels of vinegar at Cheyenne, Wyo., alleging that the article had been shipped on or about December 17, 1932, by the Speas Manufacturing Co., from Yakima, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Speas Mfg. Company 50 Grain Pure Cider Vinegar * * * Yakima, Washington."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous and deleterious ingredient, arsenic trioxide, which might have rendered it harmful to health.

On June 29, 1933, the Speas Manufacturing Co., Yakima, Wash., having accepted service and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal and that the barrels be delivered to the consignee, upon payment of the costs of the proceedings and of the drayage charges by the Speas Manufacturing Co.

M. L. WILSON, *Acting Secretary of Agriculture.*

21262. Misbranding of Brano Flakes. U. S. v. Three Hundred and Thirty 10-Pound Cases of Brano Flakes. Consent decree of condemnation and forfeiture. Product released under bond for relabeling. (F. & D. no. 30605. Sample no. 35373-A.)

This case involved a product which was labeled to convey the impression that it was composed of bran, but which was found to contain approximately 68 percent of substances other than bran. The labeling of the article also bore unwarranted curative and health claims.

On or about June 16, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three hundred and thirty 10-pound cases of Brano Flakes at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 14, 1933, by the W. K. Kellogg Co., from Battle Creek, Mich., and charging misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was misbranded under the provision of the law applicable to food in that the statements, "Brano Flakes", and "Brano", appearing in the labeling, were false and misleading and deceived and misled the purchaser. It was further alleged that the article was misbranded under the provisions of the law applicable to drugs in that the following statements on the package label, regarding its curative or therapeutic effects, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "An easy way to avoid constipation. * * * Eat Kellogg's Brano Flakes daily for extreme cases. Eat it with every meal. * * * A corrective food for constipation. * * * It will assist greatly in the elimination of * * * poisons from the body. Office workers and persons of sedentary habits find in Kellogg's Brano Flakes the one food that their bodies need in order to keep them fit all the time. * * * Eat Brano for better health. * * * Medical authorities have long recognized the healthful properties of bran in the treatment of chronic constipation. * * * Brano is also rich in certain good minerals which have a laxative effect on the system and at the same time strengthen and purify the blood, our body's great purifying media. Pills and cathartics can not and do not cure. They aggravate an already grave and dangerous condition. The only safe and sure way is to eat Brano every day and for chronic cases eat it with every meal. You will enjoy this delicious healthful food and at the same time it will build up and fortify the system against disease."

On June 28, 1933, the Kellogg Sales Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant for relabeling under the supervision of this Department, upon payment of costs and the execution of a bond, conditioned that it should not be disposed of contrary to the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

21263. Adulteration of canned tomato puree. U. S. v. 48 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30526. Sample no. 32137-A.)

This case involved the interstate shipment of a quantity of canned tomato puree that was found to be filthy and decomposed.

On May 25, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 48 cases of tomato puree at Wilkes-Barre, Pa., alleging that the article had been shipped on or about April 4, 1933, by the Holley Canning Co., from Holley, N.Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Holleyripe Tomatoes Pure * * *. Packed by Holley Canning Co. Holley, N.Y."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of filthy and decomposed vegetable substances.

On June 23, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21264. Adulteration and misbranding of butter. U. S. v. 83 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30933. Sample no. 40623-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On June 16, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 83 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 5, 1933, by the Union City Dairy Co., from Paducah, Ky., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided for by act of March 4, 1923.

Misbranding of the article was alleged for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 20, 1933, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21265. Adulteration of canned salmon. U. S. v. 9 Cases of Salmon. Default decree of condemnation and destruction. (F. & D. no. 30511. Sample no. 29608-A.)

This case involved a shipment of canned salmon that was in part decomposed.

On May 31, 1933, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cases of canned salmon at Flagstaff, Ariz., alleging that the article had been shipped in interstate commerce on or about February 17, 1933, by Libby, McNeill & Libby, from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Libby's Fancy Red Alaska Salmon."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On July 10, 1933, seven cases of the product having been seized and held in the custody of the United States marshal, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21266. Alleged adulteration and misbranding of maple-flavored sirup. U. S. v. 717 Cans of Sirup. Appearance and claim of ownership. Tried to the court. Libel ordered dismissed. (F. & D. no. 29785. Sample no. 34044-A.)

This case involved an interstate shipment of a product labeled "Maple Flavored Syrup", which consisted principally of corn sirup and sugar sirup containing a small amount of maple sugar. The article also contained added artificial color and flavor.

On January 30, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 717 cans of sirup at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about January 9, 1933, by the A. E. Staley Manufacturing Co., from Decatur, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Staley's Maple Flavored Syrup * * * A. E. Staley Man'g. Co. Decatur, Ill." The label bore the further statement in smaller, less conspicuous type, "Blend of pure corn

syrup and granulated sugar syrup flavored with imitation maple flavor and genuine maple sugar."

It was alleged in the libel that the article was adulterated in that an artificially colored imitation maple-flavored sirup containing little or no maple sugar had been substituted for the article and for the further reason that the article had been mixed in a manner whereby inferiority was concealed.

It was further alleged in the libel that the article was misbranded in that the statements on the label "Maple Flavored Syrup * * * Genuine Maple Sugar", were false and misleading and deceived and misled the purchaser when applied to a product containing little or no maple sugar or other true maple product, and in that the article was an imitation of and was offered for sale under the distinctive name of another article.

On February 18, 1933, the Staley Sales Corporation entered an appearance as claimant and filed an answer denying the adulteration and misbranding charges in the libel. On April 8, 1933, the case having come on for trial and a jury having been waived, evidence was submitted to the court on behalf of the Government and the claimant. At the conclusion of the taking of the testimony, counsel for the claimant, Mr. Williams, moved for dismissal of the case upon the pleadings and the evidence, which motion was granted, the court ordering the libel dismissed with the following remarks:

THE COURT: There is no question but that I ought to do that, gentlemen, unless there is such a statute as I have mentioned. Of course, that statute which provided power in the Secretary of Agriculture, or in the Department of Agriculture, to prescribe the percentages for the various blends and the various flavors, and the various distinctions, if there be any, between one sort of sirup in interstate commerce and another; if there is such a regulation, and if it is so just and fair as to not impinge upon common sense, that would be binding upon this court.

Mr. WILLIAMS: I think it might, but the Government disclaims the existence of any such.

THE COURT: The Government says there is none such, and I assume that is correct, because, while I am required to judicially notice it, I am in fact absolutely ignorant of it. I would have to do what any other person ignorant about a given question would have to do; I would have to go and look it up. Counsel tells me there is none in existence.

It is clear here that this label says squarely upon its face, in rather large print, that it is "Staley's Maple Flavored Syrup." It further says that it is a savory blend of pure corn sirup and granulated sugar sirup flavored with imitation maple flavor and genuine maple sirup. That quotation may seem, on first blush, to contradict a statement the court made awhile ago, but it does not do so exactly, for this reason: That it may well be a blend—glucose and sucrose—which is ordinary cane or beet sugar, while glucose, as is well known, is corn sugar. There might be a blend of corn sirup and granulated sugar sirup, and yet be no contradiction as between the ordinary meaning of blend and the ordinary meaning of a flavored article. It then proceeds: 'Savory blend of pure corn sirup and granulated sugar'; then it goes on and says 'flavored with imitation maple flavor and genuine maple sirup.' It is shown to be flavored with imitation maple flavor—the Government's chemist says it is extract of foenugreek and the chemist for the claimant says he does not know what particular flavor it is, that is to say, what the flavor is made of, because he buys it. And in addition to that flavor, it is genuine maple sirup. It has, according to the uncontradicted testimony, about 1.6 percent of maple sirup. The Government says 1.7 percent and the claimant says 1.56 percent. So, there is maple sirup in it without question; by the uncontradicted evidence, it is put in there. It is found in there, by the uncontradicted evidence, upon chemical analysis.

So, I am frank to say that I see no basis for this libel, gentlemen. Of course, I might say here, to clear the atmosphere, that it does not make a bit of difference, in a court of law, whether this prosecution in this case was inspired. When it got into court, regardless of the manner of it getting here, it became a plain, ordinary lawsuit, as to whether this label is in fact deceptive, and therefore in contradiction of the Pure Food and Drugs Act of the United States.

So, I think the judgment should be for claimant, and that the libel should be dismissed, and so it is ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

21267. Adulteration and misbranding of butter. U. S. v. 15 Cases of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. no. 30628. Sample nos. 29532-A, 29537-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On May 13, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about May 6, 1933, by the Mountain States Creamery Co., from Salt Lake City, Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Mountain Maid Creamery Butter, Mountain States Creamery Co. Salt Lake City, Utah."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding of the article was alleged for the reason that the statement "Butter", was false and misleading since the product contained less than 80 percent of milk fat.

On May 19, 1933, Young's Market Co., Los Angeles, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21268. Adulteration and misbranding of apple butter. U. S. v. 47 Cases of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29865. Sample no. 32532-A.)

This case involved a shipment of apple butter which was found to be contaminated with insects, and hairs of mice or other rodents. It was also falsely labeled as to the name of the manufacturer and the State in which it was produced.

On March 1, 1933, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 47 cases of apple butter at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about September 29, 1932, by the National Fruit Product Co., from Winchester, Va., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Suntint Apple Butter Cumberland Valley Fruit Products Co., Martinsburg, W.Va."

It was alleged in the libel that the article was adulterated in that it consisted of a filthy vegetable substance.

Misbranding was alleged for the further reason that the statement on the label, "Cumberland Valley Fruit Products Co. Martinsburg, W.Va.," was false and misleading and deceived and misled the purchaser, since it created the impression that the article was manufactured and packed by the Cumberland Valley Fruit Products Co., of Martinsburg, W.Va., whereas it was manufactured and packed by the National Fruit Product Co., of Winchester, Va.

On May 5, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21269. Misbranding of corn meal. U. S. v. 591 Sacks, et al., of Corn Meal. Decree of condemnation. Product released under bond to be relabeled or resacked. (F. & D. nos. 30581, 30582, 30583. Sample nos. 46482-A, 46483-A, 46486-A.)

This case involved several shipments of corn meal, sample sacks of which were found to contain less than the labeled weight, 10 pounds.

On June 10, 1933, the United States attorney for the Western District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 841 sacks of corn meal at Lake Arthur, La., and 1,504 sacks of corn meal at Jennings, La., alleging that the article had been shipped in interstate commerce between May 16 and June 2, 1933, by the Josey-Miller Co., from Beaumont, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Sacks) "Jo Mil Pearl Meal Manufactured by Josey Miller Company, Beaumont, Texas, 10 pounds net Pearl Meal."

It was alleged in the libel that the article was misbranded in that the statement, "10 Pounds Net", borne on the label, was false and misleading and deceived and misled the purchaser, since the packages contained less than the labeled weight. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On June 12, 1933, the Josey-Miller Co., Beaumont, Tex., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be resacked or relabeled in order to bring the contents of the sacks in accord with the weight stamped thereon.

M. L. WILSON, *Acting Secretary of Agriculture.*

21270. Adulteration of butter. U. S. v. 25 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30631. Sample no. 32514-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On May 15, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about May 3, 1933, by the Farmers Mutual Creamery Co., from Monticello, Iowa, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as prescribed by the act of March 4, 1923.

On May 24, 1933, Watts & Sons, agents for the Farmers Mutual Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reworked so that it contain at least 80 percent of butterfat.

M. L. WILSON, *Acting Secretary of Agriculture.*

21271. Adulteration of dried peaches. U. S. v. 84 Boxes and 311 Boxes of Dried Peaches. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30545. Sample nos. 23128-A, 23130-A.)

This case involved a shipment of dried peaches which were found to be in part decayed, dirty, and insect-infested.

On June 1, 1933, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eighty-four 25-pound boxes and three hundred and eleven 10-pound boxes of dried peaches at Reno, Nev., alleging that the article had been shipped in interstate commerce on or about April 8, 1933, by the A. Levy and J. Zentner Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On June 27, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21272. Adulteration and misbranding of butter. U. S. v. 15 Cubes, et al., of Butter. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. nos. 30635 to 30639, incl. Sample nos. 36985-A, 36987-A, 37240-A, 37241-A, 37243-A.)

These cases involved five shipments of butter which contained less than 80 percent by weight of milk fat, the standard for butter established by Congress. One of the lots failed to bear on the package or label a statement of the quantity of the contents.

On May 17, May 18, and May 23, 1933, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 116 cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce from Miles City, Mont., in various shipments on or about May 3, May 6, May 9, and May 12, 1933, and charging that it was adulterated in violation of the Food and Drugs Act, and that a portion was also misbranded in violation of said act as amended. Four of the shipments were made in the name of the Mandan Creamery Co., and one in the name of the Mandan Creamery & Produce Co. Portions of the article were labeled, "From Mandan Creamery Co., Miles City, Montana."

It was alleged in the libels that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding was alleged with respect to the shipment of May 3, 1933, for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

The Mandan Creamery Co., Miles City, Mont., appeared as claimant for 103 cubes of butter involved in four of the shipments and filed stipulations admitting the allegations of the libels and consenting to the entry of decrees. On May 25, 1933, judgments of condemnation and forfeiture were entered in the said cases, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$3,084, conditioned that it be reworked so that it conform with the Federal Food and Drugs Act.

On June 23, 1933, a default decree of condemnation and forfeiture was entered in the remaining case. On July 13, 1933, the court ordered that the 13 cubes of butter involved in the case be released to the Consolidated Dairy Products Co., Seattle, Wash., under a bond in the sum of \$400, conditioned that it be reworked to bring it into compliance with the law.

M. L. WILSON, *Acting Secretary of Agriculture.*

21273. Adulteration of powdered pectin (Nutral-Jel, Confecto-Jel). U. S. v. 1 Barrel (350 pounds) of Powdered Pectin, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29986, 29987, 29988, 29989, 29991, 29992, 30003, 30022, 30057, 30058, 30367, 30444, 30455, 30456. Sample nos. 4621-A, 5099-A, 5100-A, 27099-A, 31645-A, 32335-A, 32822-A, 35083-A, 36090-A, 36158-A, 36486-A, 38198-A, 40501-A, 40502-A, 40505-A.)

These cases involved various shipments of powdered pectin which contained arsenic or lead, or both arsenic and lead, in amounts which might have rendered it injurious to health.

On March 24, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one drum, containing 200 pounds of powdered pectin, at Cincinnati, Ohio. Between March 25 and May 15, 1933, libels were filed in the Northern District of Ohio, Eastern District of Wisconsin, Western District of Pennsylvania, Eastern District of Michigan, Northern District of Illinois, District of Colorado, Southern District of New York, District of New Jersey, and District of Utah, against 44½ barrels or drums, containing approximately 7,000 pounds, of powdered pectin at Cleveland, Ohio; Milwaukee, Wis.; Pittsburgh, Pa.; Detroit, Mich.; Chicago, Ill.; Denver, Colo.; New York, N.Y.; Landersville, N.J.; and Salt Lake City, Utah, which had been shipped in interstate commerce by the Speas Manufacturing Co., Kansas City, Mo. The libels charged that the article had been shipped into the several States from Kansas City, Mo., with the exception of one shipment which had been made from Philadelphia, Pa.; that the said shipments covered the period from January 27 to April 23, 1933; and that the article was adulterated in violation of the Food and Drugs Act. The article was labeled,

"Nutri-Jel" or "Confecto-Jel." Most of the shipments were also labeled, "From Speas Mfg. Company, Kansas City, Missouri."

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, namely, arsenic or lead, or both arsenic and lead, which ingredients might have rendered the article harmful to health.

No claim or answer was filed in any of the cases. Between April 25 and September 12, 1933, judgments of condemnation and forfeiture were entered in the various districts, and the product was ordered destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21274. Adulteration and misbranding of canned tomatoes. U. S. v. 10 Cases, et al., of Canned Tomatoes. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30613, 30614, 30615, 30617, 30622, 30644, 30645, 30646, 30647. Sample nos. 39854-A, 39855-A.)

These cases involved several lots of canned tomatoes, samples of which were found to contain flies, maggots, and worms. A portion of the product had been made from tomatoes which contained excessive blemishes but was not labeled to indicate that it was substandard.

On June 16 and June 20, 1933, the United States attorney for the Middle District of North Carolina, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 24 cases and 48 cans of tomatoes in various lots at Cordova, Rockingham, and Hamlet, N.C. On June 22, 1933, the United States attorney for the Western District of North Carolina filed a libel against 26 cases of canned tomatoes at Morganton, N.C. It was alleged in the libels that the article had been shipped in interstate commerce on or about November 20 and 21, 1932, by the Southgate Brokerage Co., from Norfolk, Va., and that it was adulterated and a portion was also misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Martin Brand Hand Packed Tomatoes * * * Packed by Churchland Canning Corp., Churchland, Va."

The libels charged that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

Misbranding of a portion of the article was alleged for the reason that it fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because of the presence of excessive blemishes, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On July 11 and July 15, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21275. Adulteration of currants. U. S. v. 1,510 Baskets, et al., of Currants. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. nos. 30834, 30845, 30908, 30931, 30932. Sample nos. 39797-A, 40183-A, 40188-A, 40189-A, 45750-A, 45758-A.)

These cases involved various shipments of red currants which bore lead or arsenic, or both lead and arsenic, in amounts which might have rendered them injurious to health.

On July 11, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,510 baskets of currants at Boston, Mass. On July 13, 1933, a libel was filed in the Northern District of Illinois against 1,229 baskets of currants at Chicago, Ill., and on July 18 and July 31, 1933, libels were filed in the Western District of Pennsylvania against 4,260 baskets of currants at Pittsburgh, Pa. It was alleged in the libels that the article had been shipped in interstate commerce between the dates of June 30 and July 8, 1933, by the Hudson River Fruit Exchange, Inc., from Marlboro, N.Y., and that it was adulterated in violation of the Food and Drugs Act. Certain lots were labeled in part: "Nicholas Mertes, Marlboro, N.Y.", "Chas. Young, Marlboro, N.Y.", "F. G. Morrow & Son, Marlboro, N.Y.", "Neil Twomey, Marlboro, N.Y.", "Frank Colletto, Marlboro, N.Y.", "Mrs. Noel Armstrong * * * Newburgh, N.Y.", "W. R. Fowler & Son, Marlboro, N.Y."

The libels charged that the article was adulterated in that it contained added poisonous or deleterious ingredients, lead or arsenic, or both arsenic and lead, which might have rendered it harmful to health.

The Hudson River Fruit Exchange, Inc., Milton, N.Y., appeared as claimant and filed answers admitting the allegations of the libels. On July 24, 1933, judgment was entered in the district court for the District of Massachusetts condemning the product and ordering that it be released to the claimant upon payment of costs and the execution of a bond, conditioned that the deleterious substance be removed under the supervision of this Department. On August 15, 1933, decrees containing similar provisions were entered in the remaining cases.

M. L. WILSON, *Acting Secretary of Agriculture.*

21276. Adulteration of canned peaches and canned cherries. U. S. v. 46 Cases of Canned Peaches, et al. Default decrees of condemnation and destruction. (F. & D. nos. 30498, 30500, 30501. Sample nos. 39997-A, 40126-A, 40127-A, 40128-A.)

These cases involved shipments of canned peaches and canned cherries which were in part decomposed.

On May 22 and May 24, 1933, the United States attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 494 cases of canned peaches and 20 cases and 623 cans of canned cherries at Youngstown, Ohio. It was alleged in the libels that the articles had been shipped in interstate commerce by the California Packing Corporation, from San Francisco, Calif., to Philadelphia, Pa., that they had been reshipped from Philadelphia, Pa., to Youngstown, Ohio, between the dates of March 16, 1931, and March 21, 1932, and that they were adulterated in violation of the Food and Drugs Act. The articles were labeled in part: "Gold Bar Brand Yellow Cling Peaches", and "Silver Bar Royal Anne Cherries."

The libels charged that the articles were adulterated in that they consisted wholly or in part of decomposed vegetable substances.

On July 11, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21277. Adulteration of apple pomace. U. S. v. 325 Bags, et al., of Apple Pomace. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30101, 30448, 30558. Sample nos. 9088-A, 32015-A, 32334-A.)

These actions involved interstate shipments of three lots of apple pomace which bore arsenic, or arsenic and lead, in amounts which might have rendered it injurious to health.

On April 17, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 325 bags of apple chop pomace at Boston, Mass. On May 11, 1933, a libel was filed in the Eastern District of New York against 400 bags of apple pomace at Mariners Harbor, Staten Island, N.Y., and on June 2, 1933, a libel was filed in the Southern District of New York against 40 bags of apple pomace at New York City, N.Y. It was alleged in the libels that the article had been shipped from Inwood, W.Va., in part by the C. H. Musselman Co., of Inwood, W.Va., and in part by C. H. Musselman, of Biglerville, Pa., into the States of Massachusetts and New York, in various shipments on or about September 15, 1932, April 1, 1933, and April 24, 1933, and that it was adulterated in violation of the Food and Drugs Act.

The libels alleged that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic, or arsenic and lead, which might have rendered it injurious to health.

On July 5, July 10, and July 28, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered in the cases, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21278. Misbranding of potatoes. U. S. v. 257 Sacks and 260 Sacks of Potatoes. Product released under bond to be resacked. (F. & D. nos. 30552, 30555. Sample nos. 39025-A, 46461-A.)

These cases involved shipments of potatoes in which certain sacks examined were found to contain less than the declared weight, 100 pounds.

On June 2, 1933, the United States attorney for the Southern District of Iowa, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 517 sacks of potatoes at Des Moines, Iowa, alleging that the article had been shipped in interstate commerce on or about May 25 and May 26, 1933, by L. Markman, from Lockport, La., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Unclassified Selected Potatoes One Hundred Pounds When Packed, Markman Produce Co., Des Moines, Iowa."

It was alleged in the libels that the article was misbranded in that the statement, "One Hundred Pounds When Packed", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On June 3, 1933, the Markman Produce Co., Des Moines, Iowa, having appeared as claimant for the property and having filed bonds, conditioned that the potatoes be resacked to conform with the law, decrees were entered ordering that the product be released to the claimant in accordance with the conditions of the bond and that the claimant pay the costs of the proceedings.

M. L. WILSON, *Acting Secretary of Agriculture.*

21279. Adulteration of tullibeas. U. S. v. 22 Boxes and 8 Boxes of Tullibeas. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30648, 30725. Sample nos. 32142-A, 35450-A.)

These cases involved shipments of tullibeas that were infested with worms.

On May 24 and June 21, 1933, respectively, the United States attorneys for the Southern District of New York and the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of 30 boxes of tullibeas at New York, N.Y., and Chicago, Ill., alleging that the article had been shipped in interstate commerce, the former on or about May 20, 1933, and the latter on or about June 17, 1933, by the Warroad Fish Co., from Warroad, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, and in that it consisted of portions of animals unfit for food.

On June 12 and September 28, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21280. Adulteration of currants. U. S. v. 800 Barrels and 262 Barrels of Currants. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. nos. 30906, 30935. Sample nos. 32055-A, 32056-A, 32057-A, 32060-A to 32065-A incl., 43635-A to 43640-A incl.)

These cases involved several shipments of currants that were found to be contaminated with arsenic and lead.

On July 21 and July 27, 1933, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,062 barrels of currants at Jersey City, N.J., alleging that the article had been shipped in interstate commerce between the dates of June 30 and July 19, 1933, by A. Carobine, from Middle Hope, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained added poisonous or deleterious ingredients, lead and arsenic, which might have rendered it harmful to health.

On July 29, 1933, A. Carobine, New York, N.Y., having appeared as claimant for 800 barrels of the product and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond

in the sum of \$10,000, conditioned that the currants of different growers be separated and examined, that all lots found to bear excessive lead and arsenic be treated to remove such deleterious ingredients, that all portions found after such examination and treatment to bear excessive lead and arsenic be destroyed, and that those found fit for human consumption be released. On August 16, 1933, the remaining case was consolidated with the aforesaid case, and the conditions and terms of the decree of July 29, 1933, were made applicable to the product involved in both cases.

M. L. WILSON, *Acting Secretary of Agriculture.*

21281. Adulteration and misbranding of tullibees. U. S. v. 19 Boxes and 8 Boxes of Tullibees. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30670, 30673. Sample nos. 32145-A, 32146-A.)

These cases involved interstate shipments of fish labeled, "Perch", which were found to be tullibees infested with parasitic worms.

On June 7 and June 8, 1933, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 27 boxes of tullibees at New York, N.Y., alleging that the article had been shipped on or about June 3 and June 5, 1933, by the Warroad Fish Co., from Warroad, Minn., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Perch From Warroad Fish Co., Warroad, Minn."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid substance and in that it consisted of portions of animals unfit for food.

Misbranding was alleged for the reason that the statement, "Perch", borne on the label was false and misleading, since the fish were tullibees.

On July 27, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21282. Adulteration and misbranding of Chocco-Yeast. U. S. v. 1,200 Boxes and 100 Cartons of Chocco-Yeast. Decrees of condemnation entered. Portion of product destroyed. Remainder released under bond. (F. & D. nos. 30570, 30660. Sample nos. 17373-A, 29735-A.)

These cases involved a product which was labeled to convey the impression that it contained an appreciable amount of yeast and was valuable as a source of the yeast vitamins. Examination of the article showed that it contained an insignificant amount of yeast, also that it contained no ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On June 13 and June 23, 1933, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,200 boxes and 100 cartons of Chocco-Yeast at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce in part on or about April 20, from Springfield, Mass., and in part on or about May 31, 1933, from New York, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The shipping records indicate that the 100 cartons of the product were shipped by Chocco Yeast, Inc. The records do not disclose the identity of the shipper of the remainder of the product.

It was alleged in the libels that the article was adulterated in that a mixture containing peanut butter, chocolate, sugar, and a negligible proportion of yeast had been substituted for the article, and for the further reason that it had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Chocco-Yeast", "Made with fresh yeast", "Contains vitamins", "Fresh yeast in luscious chocolate", and "Fresh active live yeast in luscious chocolate form", appearing on the labels of the containers, were false and misleading, since they created the impression that the article was essentially a mixture of yeast and chocolate, whereas it contained but an inconsequential proportion of yeast. Misbranding was alleged for the further reason that the article was sold under the name of another article, namely, yeast prepared with chocolate. Misbranding was alleged for the further reason that the following statements on the label, regarding the curative or therapeutic effects of the article, were false and fraudulent: "Eat three every day for your health", "Made with fresh yeast for your

health", "3 a day is the healthy way", "Clears Complexion", "Aids Digestion", and "Eliminates Constipation."

On July 19, 1933, no claim or answer having been filed to the first libel, judgment of condemnation was entered, and the court ordered that the 2 boxes that had been seized by the marshal be destroyed. On July 27, 1933, Chocco Yeast, Inc., Springfield, Mass., having appeared as claimant in the remaining case and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond, conditioned that it be made to conform with the Federal Food and Drugs Act under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21283. Adulteration of cabbage. U. S. v. 338 Crates of Cabbage. Decree of condemnation. Product released under bond. (F. & D. no. 30675. Sample no. 42053-A.)

This case involved a shipment of cabbage that was found to bear arsenic in an amount that might have rendered it injurious to health.

On June 5, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 338 crates of cabbage consigned by Sugar Land Industries, Sugar Land, Tex., at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about May 28, 1933, from Sugar Land, Tex., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it injurious to health.

On June 15, 1933, Sugar Land Industries, a Texas corporation, having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,690, conditioned that it should not be sold or otherwise disposed of contrary to the laws of the United States or of the State of Colorado.

M. L. WILSON, *Acting Secretary of Agriculture.*

21284. Adulteration of butter. U. S. v. 8 Tubs of Butter. Default decree of condemnation and forfeiture. Product delivered to a charitable institution. (F. & D. no. 30489. Sample no. 32272-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On May 3, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight tubs of butter at New York, N.Y., alleging that the articles had been shipped in interstate commerce on or about April 20, 1933, by the Farmers Cooperative Creamery Co., of Cleaves, Iowa, in a pool car shipped from Iowa Falls, Iowa, to New York, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On June 29, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that as much of the butter as was fit for human consumption be delivered to a charitable institution.

M. L. WILSON, *Acting Secretary of Agriculture.*

21285. Adulteration of apple chops. U. S. v. 30 Sacks of Apple Chops. Default decree of condemnation and destruction. (F. & D. no. 30497. Sample no. 39993-A.)

This case involved an interstate shipment of apple chops that contained dirt, also filth from insect and rodent infestation. Analysis of the article showed that it contained arsenic and lead in amounts that might have rendered it injurious to health.

On May 20, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 sacks of apple chops at Pittsburgh, Pa., alleging that the article had been shipped on or about April 20, 1933, by Leroy Cold Storage & Produce Co., from Lockport, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health. Adulteration was alleged for the further reason that the product consisted in part of a filthy vegetable substance.

On June 22, 1933, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21286. Misbranding of cider vinegar. U. S. v. 35 Cases of Cider Vinegar. Consent decree of condemnation and forfeiture. Product re-labeled under bond to be relabeled. (F. & D. no. 30510. Sample no. 42049-A.)

This case involved an interstate shipment of bottled cider vinegar, sample bottles of which were found to contain less than 1 pint, the declared volume.

On June 1, 1933, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 cases of cider vinegar at Cheyenne, Wyo., alleging that the article had been shipped in interstate commerce on or about February 16, 1932, by Paxton & Gallagher, from Yakima, Wash., and charging misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was misbranded in that the statement on the label, "Kamo Pure Cider Vinegar Contents One Pint Paxton and Gallagher Co. Omaha", were false and misleading and deceived and misled the purchaser, since the bottles contained less than 1 pint. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On June 19, 1933, the Paxton Gallagher Co., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant under bond, conditioned that it be relabeled under the supervision of this Department and that the claimant pay the costs of the proceedings.

M. L. WILSON, *Acting Secretary of Agriculture.*

21287. Adulteration and misbranding of tomato paste. U. S. v. 41 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30549. Sample no. 32598-A.)

This case involved a shipment of alleged tomato paste that consisted of a tomato product insufficiently concentrated to be labeled tomato paste. The article also contained excessive mold.

On June 8, 1933, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 41 cases of tomato paste at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about October 19, 1932, by the Marlboro Canning Corporation, from Marlboro, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Lola Brand Tomato Paste * * * Salsa di Pomodoro Packe^d * * * By The Marlboro Canning Corp. Marlboro, N.Y."

It was alleged in the libel that the article was adulterated in that a substance, an insufficiently condensed strained tomato product, had been substituted for tomato paste. Adulteration was alleged for the further reason that the article consisted in whole or in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the statements on the label, "Tomato Paste. * * * Salsa di Pomodoro", were false and misleading and deceived and misled the purchaser when applied to an artificially colored product containing less tomato solids than tomato paste. Misbranding was

alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On August 4, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21288. Adulteration of butter. U. S. v. 18 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30630. Sample no. 32443-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On May 12, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about April 29, 1933, by the Harrow-Taylor Co., from Kansas City, Mo., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as prescribed by the act of March 4, 1923.

On May 24, 1933, Alex. Grossman & Co., agent for the Harrow-Taylor Butter Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it be reworked so that it contain at least 80 percent of butterfat.

M. L. WILSON, *Acting Secretary of Agriculture.*

21289. Adulteration of evaporated apple chops. U. S. v. 332 Sacks of Evaporated Apple Chops. Consent decree of condemnation and destruction. (F. & D. No. 30504. Sample no. 39991-A.)

This case involved an interstate shipment of a quantity of evaporated apple chops, samples of which were found to contain arsenic and lead in amounts that might have rendered them injurious to health.

On May 23, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 332 sacks of evaporated apple chops at Pittsburgh, Pa., alleging that the article had been shipped on or about March 4, 1933, by the Battletown Fruit Co., from Staunton, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On August 10, 1933, the intervener having withdrawn its claim and consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21290. Adulteration of butter. U. S. v. 51 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30649. Sample no. 37247-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On May 29, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 51 cubes of butter at Seattle, Wash., consigned by the Hill County Creamery Co., alleging that the article had been shipped in interstate commerce on or about May 19, 1933, from Havre, Mont., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On June 2, 1933, the Hill County Creamery, Havre, Mont., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$700, conditioned that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21291. Adulteration of butter. U. S. v. 62 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30633. Sample no. 32516-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On May 16, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 62 tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about May 7, 1933, by the Gowrie Cooperative Creamery Association, from Gowrie, Iowa, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as prescribed by the act of March 4, 1923.

On May 22, 1933, J. J. Herold Co., agent for the Gowrie Cooperative Creamery Association, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reworked so that it contain at least 80 percent of butterfat.

M. L. WILSON, *Acting Secretary of Agriculture.*

21292. Adulteration of butter. U. S. v. 8 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30640. Sample no. 36875-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On May 12, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight cubes of butter at Seattle, Wash., consigned by the Tri County Creamery, alleging that the article had been shipped on or about May 4, 1933, from Columbus, Mont., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On May 15, 1933, the Tri County Creamery, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21293. Misbranding of fresh tomatoes. U. S. v. 560 Lugs of Fresh Tomatoes. Product released under bond to be relabeled. (F. & D. no. 30658. Sample no. 46518-A.)

This case involved a shipment of tomatoes in lugs that contained less than the labeled weight, 30 pounds.

On June 22, 1933, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 560 lugs of fresh tomatoes at Pittsburgh, Pa., alleging that the article had been shipped by Ernest M. Shoemaker, from Jacksonville, Tex., on or about June 15, 1933, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Texas Tomatoes, Average Weight Thirty Lbs."

It was alleged in the libel that the article was misbranded in that the statement on the lugs, "Average Weight Thirty Lbs.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On June 28, 1933, I. Cohen, Morris Cohen, and Harry Cohen, trading as I. Cohen & Sons, Pittsburgh, Pa., having appeared as claimants for the property and having admitted the allegations of the libel, judgment was entered ordering that the product be released upon the execution of a bond in the sum of \$500, conditioned that it be relabeled under the supervision of this Department and that the claimant pay the costs of the proceedings.

M. L. WILSON, *Acting Secretary of Agriculture.*

21294. Adulteration of shell eggs. U. S. v. 98 Cases and 129 Cases of Shell Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30838. Sample nos. 40819-A, 40820-A.)

This case involved a shipment of shell eggs that were in part decomposed.

On or about July 12, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 227 cases of shell eggs at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 7, 1933, by the Spencer Produce Co., from Kansas City, Mo., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On July 13, 1933, Weinberg Bros. & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be disposed of contrary to the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

21295. Adulteration of butter. U. S. v. 48 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30829. Sample no. 29170-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by act of Congress.

On July 3, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 48 cubes of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about June 19, 1933, by the Carbon County Creamery Co., from Red Lodge, Mont., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On July 14, 1933, the Carbon County Creamery having appeared by agent as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant.

upon payment of costs and the execution of a bond in the sum of \$800, conditioned that it be reworked so that it conform to the requirements of the law.

M. L. WILSON, *Acting Secretary of Agriculture.*

21296. Adulteration and misbranding of butter. U. S. v. 50 Cases and 50 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30688. Sample nos. 46628-A, 46629-A, 46630-A, 39044-A.)

This case involved interstate shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress. Portions of the article were also found to be short weight.

On or about June 24, 1933, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cases of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about June 16 and June 17, 1933, by the Lexington Ice & Creamery Co., Lexington, Miss., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled: (Case) "1 lb. Prints in 1 Lb. Cartons Creamery Butter." Some cartons were marked "1 Lb. Net Weight." The remainder of the article was labeled: (Carton) "Glenwood Creamery Butter 1 Pound Net Distributed by Swift & Co."

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the article was labeled, "Butter", which was false and misleading, since it contained less than 80 percent of milk fat. Misbranding was alleged with respect to 50 cases of the product for the reason that the statements, (case) "1 lb. Prints in 1 Lb. Cartons.", (cartons of portion) "1 Lb. Net Weight", were false and misleading. Misbranding was alleged with respect to 25 cases of the remaining lot for the reason that the statement on the carton, "1 Pound Net", was false and misleading. Misbranding was alleged with respect to the said 75 cases for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On July 14, 1933, the Lexington Ice & Creamery Co., Lexington, Miss., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,400, conditioned that it should not be disposed of until it had been made to comply with the law and had been inspected and approved by this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21297. Adulteration of dried apple pomace. U. S. v. 167 Bags of Dried Apple Pomace. Default decree of forfeiture and destruction. (F. & D. no. 30690. Sample no. 39723-A.)

This case involved a shipment of dried apple pomace that was found to contain arsenic and lead in amounts that might have rendered it injurious to health.

On July 3, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 167 bags of dried apple pomace at Natick, Mass., alleging that the article had been shipped in interstate commerce on or about May 26, 1933, by the National Fruit Product Co., from Waynesboro, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On July 20, 1933, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21298. Adulteration of canned shrimp. U. S. v. 346 Cases of Canned Shrimp. Consent decree of condemnation. Product released under bond for separation of decomposed portion. (F. & D. no. 30390. Sample no. 35206-A.)

This case involved an interstate shipment of various lots of canned shrimp distinguished by certain code marks. Samples taken from one of the codes were found to be decomposed.

On May 2, 1933, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 346 cases of canned shrimp at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about February 17, 1933, by the Biloxi Canning & Packing Co., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "BCP Brand Shrimp."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On July 14, 1933, the Biloxi Canning & Packing Co., Biloxi, Miss., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned that the code which contained decomposed shrimp be sorted out and separated from the remainder. Subsequently all cans in the segregated code which were found to contain decomposed shrimp were destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21299. Adulteration of apple butter. U. S. v. 285 Cases of Apple Butter. Default decree of destruction. (F. & D. no. 30362. Sample no. 27146-A.)

This case involved a shipment of apple butter that was contaminated with rodent hairs and insects.

On April 26, 1933, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 285 cases of apple butter at Lexington, Ky., consigned by the C. H. Musselman Co., from Biglerville, Pa., alleging that the article had been shipped in interstate commerce on or about March 1, 1933, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pleasure Brand * * * Apple Butter."

It was alleged in the libel that the article was adulterated in that the product consisted wholly or in part of a filthy vegetable substance.

On July 25, 1933, no claimant having appeared for the property, a decree was entered adjudging the product to be adulterated, and it was ordered by the court that it be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21300. Misbranding of butter. U. S. v. 9 Cartons of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30680. Sample no. 43255-A.)

This case involved a shipment of butter, sample packages of which were found to contain less than 16 ounces, the weight declared on the label.

On June 8, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cartons of butter at Paterson, N.J., alleging that the article had been shipped in interstate commerce on or about June 2, 1933, from the premises of John H. Berger & Co., New York, N.Y., to the premises of the Herman Co., Paterson, N.J., by truck of Joseph Ferraro, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Daisee Brand Finest Creamery Butter Net Weight 16 Ounces The Herman Co., Paterson, N.J."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Net Weight 16 Ounces", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement of weight was incorrect.

On July 12, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21301. Adulteration of crab meat. U. S. v. 5 Barrels of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30767. Sample nos. 32179-A, 32182-A.)

This case involved an interstate shipment of crab meat that was found to be filthy, examination showing that it contained fecal *B. coli*.

On July 3, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five barrels of crab meat in tins at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about June 27 and June 28, 1933, by the New York Consumers Co., Inc., from Crisfield, Md., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On July 28, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21302. Adulteration of butter. U. S. v. 30 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30681. Sample no. 43258-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On June 16, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 tubs of butter at New York City, N.Y., alleging that the article had been shipped on or about June 12, 1933, by the Edelstein Dairy Co., from Hartford, Conn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

On July 14, 1933, the Edelstein Dairy Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned that it be reworked so that it contain at least 80 percent of butterfat.

M. L. WILSON, *Acting Secretary of Agriculture.*

21303. Adulteration of butter. U. S. v. 8 Tubs of Butter. Default decree of condemnation and forfeiture. Product given to a charitable institution. (F. & D. no. 30632. Sample no. 32515-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On May 15, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight tubs of butter at New York City, N.Y., alleging that the article had been shipped on or about May 2, 1933, by the Riceville Creamery, Riceville, Iowa, in a pool car from Cresco, Iowa, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

On July 14, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to a charitable institution without expense to the United States.

M. L. WILSON, *Acting Secretary of Agriculture.*

21304. Misbranding of butter. U. S. v. 15 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30674. Sample no. 43256-A.)

Sample cartons of butter taken from the shipment involved in this case were found to contain less than the declared weight, 1 pound.

On June 10, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of butter at Passaic, N.J., alleging that the article had been transported in interstate commerce on or about June 7, 1933, from the premises of Alex Grossman, New York, N.Y., to the premises of Oscar Tell, Passaic, N.J., via truck of Oscar Tell, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Capital Butter Harding Cream Company Omaha, Kansas City, Des Moines Four-in-One, 1 Lb. Net."

It was alleged in the libel that the article was misbranded in that the statement on the label "1 Lb. Net", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On July 12, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21305. Misbranding of canned green beans. U. S. v. 878 Cans of Green Beans. Default decree of forfeiture and destruction. (F. & D. no. 30693. Sample no. 41940-A.)

This case involved a shipment of canned string beans, sample cans of which were found to contain less than 11 ounces, the declared weight.

On July 6, 1933, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 878 cans of green beans at Pocatello, Idaho, alleging that the article had been shipped in interstate commerce on or about May 4, 1933, by the Smith Canning Co., from Clearfield, Utah, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Smith Brand Fancy Cut Green Beans Net Contents Eleven Ozs., Smith Canning Co., Clearfield, Utah."

It was alleged in the libel that the article was misbranded in that the statement, "Contents Eleven Ozs.", borne on the label, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On July 29, 1933, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21306. Misbranding of flour. U. S. v. 371 Bags of Flour. Decree of condemnation and forfeiture. Product released under bond to be relabeled or repacked. (F. & D. no. 30610. Sample no. 46474-A.)

This case involved a shipment of flour, sample sacks of which were found to contain less than the declared weight, 24 pounds.

On June 15, 1933, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 371 bags of flour at Abbeville, La., alleging that the article had been shipped in interstate commerce on or about May 20, 1933, by the G. B. R. Smith Milling Co., from Sherman, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "La-Belle Flour 24 Lbs. Net Weight When Packed Bleached La Belle."

It was alleged in the libel that the article was misbranded in that the statement, "24 Pounds Net", borne on the label, was false and misleading and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On July 24, 1933, the G. B. R. Smith Milling Co. having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, or the deposit of a certified check for like amount, conditioned in part that it be relabeled or repacked to the declared weight.

M. L. WILSON, *Acting Secretary of Agriculture.*

21307. Misbranding of canned cherries. U. S. v. 75 Cases of Canned Cherries. Default decree of forfeiture and destruction. (F. & D. no. 30694. Sample no. 41938-A.)

This case involved a shipment of canned cherries which were labeled, "Solid Pack", and which were found to be packed in a liquid medium. The article fell below the standard for canned cherries, since the sugar solution of the liquid portion was low, and it was not labeled to indicate that it was substandard.

On July 6, 1933, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 75 cases of canned cherries at Pocatello, Idaho, alleging that the article had been shipped in interstate commerce on or about November 9, 1931, by the Pacific Northwest Canning Co., from Puyallup, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Famous Puyallup Brand Solid Pack Pitted Red Sour Cherries * * * Packed by Pacific Northwest Canning Company, Puyallup, Washington."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Solid Pack", was false and misleading and deceived and misled the purchaser when applied to an article packed in a liquid packing medium. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because the packing medium read less than 16 degrees Brix, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On July 29, 1933, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21308. Misbranding of Flavor-Rite Cho-Co-Malt. U. S. v. 99½ Dozen Jars of Flavor-Rite Cho-Co-Malt. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 30695. Sample no. 43209-A.)

This case involved a product labeled to convey the impression that it contained chocolate and an appreciable amount of malt. Examination showed that it consisted essentially of cocoa and sugar, with only a small amount, if any, of malt. The statement of the quantity of the contents was not plain and conspicuous.

On or about July 5, 1933, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 99½ dozen jars of the said Flavor-Rite Cho-Co-Malt at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce on or about June 14, 1933, by the Flavor Rite Cho-Co Malt Co., from Brooklyn, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Flavor Rite Cho-Co Malt Co. Brooklyn, N.Y."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Cho-Co-Malt", was false and misleading and deceived and misled the purchaser when applied to an article which consisted essentially of cocoa, sugar, and water. Misbranding was alleged for the further reason that the article was sold under the distinctive name of another article and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 20, 1933, the Flavor Rite Cho-Co-Malt Co., Brooklyn, N.Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was

ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that it be relabeled so that it comply with the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

21309. Adulteration of tullibeas. U. S. v. 16 Boxes of Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30634. Sample no. 35444-A.)

This case involved an interstate shipment of tullibeas that were infested with worms.

On May 20, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 boxes of tullibeas at Chicago, Ill., alleging that the article had been shipped on or about May 17, 1933, by L. W. Moyer, from Warroad, Minn., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From L. W. Moyer, Warroad, Minn."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed, filthy, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of portions of animals unfit for food.

On July 14, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21310. Adulteration of dried apple pomace. U. S. v. 20 Sacks of Dried Apple Pomace. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30606. Sample no. 41833-A.)

This case involved an interstate shipment of dried apple pomace that contained arsenic in an amount that might have rendered it harmful to health.

On June 16, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 sacks of dried apple pomace at Philadelphia, Pa., alleging that the article had been shipped on or about June 2, 1933, by the Repp Orchard Products Co., from Glassboro, N.J., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous and deleterious ingredient, arsenic, which might have rendered it harmful to health.

On July 5, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21311. Misbranding of macaroni. U. S. v. 495 Fiber Boxes of Macaroni. Default decree of forfeiture and destruction. (F. & D. no. 30596. Sample no. 32273-A.)

This case involved a shipment of macaroni, sample boxes of which were found to contain less than 5 pounds, the declared weight.

On June 14, 1933, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 495 fiber boxes of macaroni at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about June 1, 1933, by the U. S. Macaroni Co., from Spokane, Wash., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Macaroni, Five Lbs. Net, Empire Brand."

It was alleged in the libel that the article was misbranded in that the statement "Five Lbs. Net", was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the boxes contained less than the declared weight.

On July 24, 1933, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21312. Adulteration of apple pomace. U. S. v. 405 Bags of Apple Pomace. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30603. Sample no. 30481-A.)

This case involved an interstate shipment of apple pomace that contained arsenic and lead in amounts that might have rendered it harmful to health.

On June 14, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 405 bags of apple pomace at Baltimore, Md., alleging that the article had been shipped on or about May 9, 1933, by H. R. Gragg, from Medina, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On July 19, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21313. Adulteration and misbranding of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30836. Sample no. 40675-A.)

This case involved a shipment of butter which contained less than 80 percent of milk fat and which was not labeled with a statement of the quantity of the contents.

On June 30, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on June 21, 1933, by White Lily Creamery, Guttenberg, Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 1, 1933, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant to be reworked upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

21314. Misbranding of cottonseed screenings. U. S. v. Choctaw Cotton Oil Co. Plea of guilty. Fine, \$100. (F. & D. no. 29482. I. S. nos. 47478, 47488.)

This case was based on interstate shipments of cottonseed screenings, samples of which were found to contain less than 43 percent of protein, the amount declared on the label.

On March 20, 1933, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Choctaw Cotton Oil Co., trading at Ada, Okla., a corporation in the hands of S. Cullen Boswell, receiver, alleging shipment by said company in violation of the Food and Drugs Act, on or about November 22 and December 12, 1931, from the State of Oklahoma into the State of Kansas, of quantities of cottonseed screenings that were misbranded. A portion of the article was labeled in part: "Red Seal Brand Cotton Seed Cake and Meal * * * Protein not less than 43 percent * * * Manufactured By and For Choctaw Cotton Oil Company, * * * Ada, Oklahoma." The remainder was labeled in part: "Protein not less than 43%, * * * Manufactured for and by Cherokee Cotton Oil Company, Ft. Smith, Arkansas."

It was alleged in the information that the article was misbranded in that the statements, "Guaranteed Analysis Protein not less than 43%" and "Guaranteed Analysis Protein not less than 43%", borne on the labels, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein.

On July 29, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

21315. Adulteration and misbranding of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30726. Sample no. 40638-A.)

This case involved a shipment of butter which contained less than 80 percent of milk fat and which was not labeled with a statement of the quantity of the contents.

On June 20, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on June 9, 1933, by Dunlap Creamery Co., from Dunlap, Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 20, 1933, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant to be reworked, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

21316. Adulteration of butter. U. S. v. Producers Dairy Co. Plea of nolo contendere. Fine, \$75. (F. & D. no. 29511. Sample no. 11352-A.)

This case was based on the interstate shipment of quantities of butter which had been guaranteed by the defendant company as complying with the Food and Drugs Act and which did not comply with the law since it contained less than 80 percent by weight of milk fat.

On July 1, 1933, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Producers Dairy Co., a corporation, Springfield, Ill. It was alleged in the information that the defendant company had sold and delivered on or about June 6 and June 9, 1932, quantities of butter under a written guarantee that the article complied in all respects with the Food and Drugs Act, that the product, in the identical condition as when received, had been shipped in interstate commerce by the purchaser thereof on or about June 13, 1932, from Chicago, Ill., into the State of New York, and that it was adulterated in violation of the Food and Drugs Act.

The information charged that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

On July 12, 1933, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75.

M. L. WILSON, *Acting Secretary of Agriculture.*

21317. Adulteration of dried figs. U. S. v. Andrew Harvey Pepall (Fairview Fruit Packing Co.). Plea of guilty. Fine, \$200. (F. & D. no. 29487. I.S. nos. 32603, 43106.)

This case was based on the interstate shipment of quantities of dried figs that were in part insect-infested, moldy, and sour.

On July 10, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Andrew Harvey Pepall, trading at the time of the shipments herein described as the Fairview Fruit Packing Co., Los Angeles, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about November 20, 1931, from the State of California into the State of New Mexico, and on or about December 19, 1931, from the State of California into the State of Pennsylvania, of quantities of dried figs that were adulterated. The article was labeled in part: "Packed by Fairview Fruit Packing Co. Los Angeles."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid vegetable substance.

On July 28, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$200.

M. L. WILSON, *Acting Secretary of Agriculture.*

21318. Adulteration and misbranding of oil. U. S. v. Uddo-Taormina Corporation. Plea of guilty. Sentence suspended. (F. & D. no. 29499. Sample nos. 10246-A, 10302-A.)

This case was based on interstate shipments of oil which was labeled to convey the impression that it was olive oil of foreign origin, whereas it consisted principally of cottonseed oil of domestic manufacture, with a small amount of olive oil added. Sample cans taken from the shipments were also found to contain less than the declared volume, 1 gallon.

On May 26, 1933, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Uddo-Taormina Corporation, trading at Brooklyn, N.Y., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about September 1 and October 12, 1931, from the State of New York into the State of New Jersey, of quantities of oil which was adulterated and misbranded. The article was labeled in part: "Contents One Gallon Olive Oil Compounded with Cotton Seed Oil Italy Brand." The label also bore a design of Italian coat of arms and other Italian representations.

It was alleged in the information that the article was adulterated in that a substance, cottonseed oil, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted practically wholly for olive oil, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Olive Oil", and "Italy Brand", together with certain Italian designs, and the statement "Contents One Gallon", borne on the can label, were false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statements and designs represented that the article was olive oil made in Italy, and that the cans contained 1 gallon, whereas it was not olive oil produced in Italy, but was composed practically wholly of cottonseed oil and was of domestic manufacture, and each of a number of the cans contained less than 1 gallon. Misbranding was alleged for the further reason that the article was an imitation of olive oil and was offered for sale under the distinctive name of another article, namely, olive oil. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On July 12, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court ordered that sentence be suspended.

M. L. WILSON, *Acting Secretary of Agriculture.*

21319. Misbranding of butter. U. S. v. Frye & Co. Plea of guilty. Fine, \$50. (F. & D. no. 29490. Sample no. 1626-A.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than the declared weight, 1 pound. The requirement of the law that the packages bear on the label a statement of the quantity

of the contents was not complied with, since the statement of weight was incorrect.

On July 8, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Frye & Co., a corporation, trading at Portland, Oreg., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 24, 1932, from the State of Oregon into the State of Washington, of a quantity of butter which was misbranded. The article was labeled in part: (Package) "Weight One Pound."

It was alleged in the information that the article was misbranded in that the statement, "Weight One Pound", borne on the label, was false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the packages contained less than 1 pound of butter. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 8, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. Wilson, *Acting Secretary of Agriculture.*

21320. Adulteration of canned salmon. U. S. v. North Coast Packing Company. Plea of guilty. Fine, \$50. (F. & D. no. 27551. I.S. nos. 22360 to 22363, incl.)

This case involved interstate shipments of canned salmon, samples of which were found to be tainted or stale.

On October 31, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the North Coast Packing Co., a corporation, Seattle, Wash., alleging shipments by said company in violation of the Food and Drugs Act, on or about July 30 and August 12, 1931, from the Territory of Alaska into the State of Washington, of quantities of canned salmon that was adulterated.

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid animal substance.

On July 10, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. Wilson, *Acting Secretary of Agriculture.*

21321. Adulteration and misbranding of Phrosto Lemon & Lime Sirup, Phrosto Orange-All, and Phrosto Fruit Punch. U. S. v. Samuel C. Clayton. Plea of nolo contendere. Fine, \$25. (F. & D. no. 28160. I.S. nos. 38157, 38158, 38161.)

This case was based on an interstate shipment of products represented to be lemon and lime, and orange, fruit juice flavored sirups, which consisted of sirups containing small amounts of fruit juices, with the flavor derived mainly from essential oils; also of a shipment of a product called, "Fruit Punch", which consisted of an artificially flavored imitation fruit sirup containing added benzaldehyde.

On March 18, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Samuel C. Clayton, Boston, Mass., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about April 29, 1931, and July 22, 1931, from the State of Massachusetts into the State of Connecticut, of quantities of fruit sirups which were adulterated and misbranded. The articles were labeled in part: (Cases) "Lem-Lime Phrosto Fruit Juice Syrup", "Orange Phrosto Fruit Juice Syrup", "F. Punch Fruit Juice Syrup", (jugs) "Phrosto Lemon & Lime [or "Orange-All" or "Fruit Punch"] A Pure Fruit Juice Flavored Syrup. * * * Manufactured By S. C. Clayton Co., Boston, Mass."

Adulteration of the lemon and lime and the orange products was alleged in the information for the reason that substances, essential oil-flavored sirups, deficient in fruit juices, had been substituted for pure lemon and lime, and orange, fruit juice flavored sirups, which the articles purported to be. Adulteration of the fruit punch was alleged for the reason that an artificially flavored imitation fruit sirup had been substituted for fruit punch, a pure fruit juice flavored sirup, which the article purported to be. Adulteration of the fruit punch was

alleged for the further reason that the article had been mixed with an added undeclared artificial flavor, benzaldehyde, in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that certain statements on the labels were false and misleading and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since the statements, "Lem-Lime * * * Fruit Juice Syrup", "Orange * * * Fruit Juice Syrup", and "F. Punch Fruit Juice Syrup", borne on the cases, represented that the articles were fruit juice sirups, and the statements, "Lemon & Lime A Pure Fruit Juice Flavored Syrup", "Orange-All A Pure Fruit Juice Flavored Syrup", "Fruit Punch A Pure Fruit Juice Flavored Syrup", borne on the jugs, represented that the articles were fruit juice flavored sirups, whereas the lemon and lime and the orange products were deficient in fruit juices and the so-called fruit punch was an artificially flavored imitation fruit sirup and not so labeled. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles. Misbranding of the fruit punch was alleged for the further reason that the article was an imitation of another article.

On July 17, 1933, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21322. Misbranding of canned tuna fish. U. S. v. 96 Cases of Canned Tuna Fish in Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 27711. I.S. no. 43851. S. no. 5797.)

This case involved a shipment of canned tuna that was labeled to convey the impression that it was a foreign product, whereas it was of domestic origin.

On February 3, 1932, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel, and on March 8, 1933, an amended libel, praying seizure and condemnation of 96 cases of canned tuna at Brooklyn, N.Y., alleging that the article had been shipped in interstate commerce on or about October 30, 1931, by the Uddo-Taormina Corporation, from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Il Progresso Brand Tuna Fish Marca Il Progresso Tonno All'Olio D'Oliiva."

It was alleged in the libel as amended that the article was misbranded in that it purported to be a foreign product, as indicated by the label appearing on the cans, whereas it was a domestic product.

On July 10, 1933, the Uddo-Taormina Corporation, Brooklyn, N.Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21323. Adulteration of butter. U. S. v. 155 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30851. Sample no. 46805-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On or about July 10, 1933, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 155 tubs of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about June 23, 1933, by the Calhoun County Co-operative Creamery, from Bruce, Miss., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On July 18, 1933, the Calhoun County Co-operative Creamery, Bruce, Miss., having appeared as claimant for the property and having admitted the allega-

tions of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a good and sufficient bond, conditioned that it be brought up to the legal standard.

M. L. WILSON, *Acting Secretary of Agriculture.*

21324. Adulteration of apple butter. U. S. v. 76 Cases of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29845. Sample no. 33024-A.)

This case involved a shipment of apple butter that had been made from apples which were mouse-infested, as evidenced by the presence of mouse hairs and mouse skin with hair attached.

On February 15, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 76 cases of apple butter at Buffalo, N.Y., which had been consigned by Lutz & Schramm Co., from Pittsburgh, Pa., on or about January 26, 1933, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Apple Butter * * * Lusco Brand."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On July 5, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21325. Adulteration and misbranding of butter. U. S. v. 23 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30706. Sample no. 40630-A.)

This case involved a shipment of butter that contained less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On June 16, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on June 7, 1933, by the Cutler Creamery Co., from Cutler, Wis., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Cutler Creamery Butter."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the article was labeled, "Butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On June 28, 1933, C. H. Weaver & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant to be reworked, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or disposed of in violation of the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

21326. Adulteration of celery. U. S. v. Elmer Hartner (Hartner Produce Co.). Plea of guilty. Fine, \$25. (F. & D. no. 30202. Sample no. 18476-A.)

This case was based on an interstate shipment of celery that was found to bear arsenic and lead in amounts that might have rendered it injurious to health.

On June 5, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Elmer Hartner, trading as the Hartner Produce Co., Denver, Colo., alleging shipment by said defendant in violation of the

Food and Drugs Act, on or about July 30, 1932, from the State of Colorado into the State of Texas, of a quantity of celery that was adulterated.

It was alleged in the information that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts that might have rendered it injurious to health.

On July 7, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21327. Adulteration and misbranding of butter. U. S. v. 4 Boxes of Butter. Default decree of condemnation. (F. & D. no. 30488. Sample no. 30333-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by act of Congress of March 4, 1923.

On May 2, 1933, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of four boxes of butter at Washington, D.C., alleging that the article had been shipped by the Sugar Creek Creamery Co., from Danville, Ill., on or about April 17, 1933, and had been transported from the State of Illinois into the District of Columbia, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Sugar Creek Butter * * * Sugar Creek Creamery Co. * * * Danville, Ills."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been substituted wholly or in part for the article, and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statement, "Butter", borne on the label, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On July 7, 1933, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be disposed of in such manner as would not violate the provisions of the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

21328. Adulteration and misbranding of rice. U. S. v. 350 Bags of Rice. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30476. Sample no. 23348-A.)

This case involved a shipment of rice labeled, "Extra Fancy", which was found to be of a lower grade.

On May 18, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 350 bags of rice at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about May 10, 1933, by the Rice Growers Association of California, from San Francisco, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Extra Fancy Japan Rice Daikoku Brand."

It was alleged in the libel that the article was adulterated in that rice below the grade specified had been substituted for the article.

Misbranding was alleged for the reason that the statement on the label, "Extra Fancy", was false and misleading and deceived and misled the purchaser.

On July 7, 1933, the Rice Growers Association of California, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21329. Adulteration of apple pomace. U. S. v. 80 Bags of Apple Pomace. Default decree of condemnation, forfeiture, and destruction.
(F. & D. no. 30431. Sample no. 28625-A.)

This case involved an interstate shipment of apple pomace that bore arsenic and lead in amounts that might have rendered it injurious to health.

On May 8, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 80 bags of apple pomace at Chicago, Ill., alleging that the article had been shipped on or about February 26, 1933, by Mr. Steffen & Co., from Coloma, Mich., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On July 7, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21330. Adulteration of apple chops. U. S. v. 325 Bags of Apple Chops. Default decree of condemnation, forfeiture, and destruction.
(F. & D. no. 30425. Sample no. 28605-A.)

This case involved an interstate shipment of apple chops that bore arsenic and lead in amounts that might have rendered them injurious to health.

On May 8, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 325 bags of apple chops at Chicago, Ill., alleging that the article had been shipped on or about August 15, 1932, by the Ross Packing Co., from Selah, Wash., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On July 24, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21331. Adulteration of apple pomace. U. S. v. 450 Bags of Apple Pomace. Default decree of condemnation, forfeiture, and destruction.
(F. & D. no. 30568. Sample no. 36610-A.)

This case involved a shipment of apple pomace that contained lead in an amount that might have rendered it injurious to health.

On June 8, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 450 bags of apple pomace at Chicago, Ill., alleging that the article had been shipped in interstate commerce on January 26, 1933, by the Finger Lakes Cider & Vinegar Co., from Penn Yan, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added deleterious ingredient, lead, in an amount which might have rendered it injurious to health.

On July 14, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21332. Adulteration of apple pomace. U. S. v. 172 Bags of Apple Pomace. Default decree of condemnation, forfeiture, and destruction.
(F. & D. no. 30502. Sample no. 41828-A.)

This case involved a shipment of apple pomace that contained arsenic and lead in amounts that might have rendered it injurious to health.

On May 23, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 172 bags of apple pomace at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about May 19, 1933, by the Repp Orchard Products Co.,

from Glassboro, N.J., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On July 5, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21333. Adulteration of butter. U. S. v. 4 Tubs of Butter. Default decree of condemnation and forfeiture. Product delivered to a welfare organization. (F. & D. no. 30564. Sample no. 32439-A.)

This case involved a shipment of butter that contained less than 80 percent by weight of milk fat.

On May 6, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about April 25, 1933, by the Rolfe Creamery Co., from Rolfe, Iowa, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On July 26, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that as much of the product as was wholesome and fit for human consumption be delivered to a welfare organization.

M. L. WILSON, *Acting Secretary of Agriculture.*

21334. Misbranding of canned grapefruit juice. U. S. v. 91¾ Cases of Canned Grapefruit Juice. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 30585. Sample no. 32016-A.)

This case involved a shipment of canned grapefruit juice, sample cans of which were found to contain less than the declared volume.

On June 12, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 91¾ cases of canned grapefruit juice at New York, N.Y., alleging that the article had been shipped on or about January 17, 1933, by the Scoville Canning Co., Inc., from Tampa, Fla., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Double H. H. Brand Sweetened Grapefruit Juice Contents 3 Pints 8 Fl. Ounces * * * Packed by Scoville Canning Company, Inc., * * * Wampa and Avon Park, Fla."

It was alleged in the libel that the article was misbranded in that the statement, "Contents 3 Pints 8 Fl. Ounces", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On July 14, 1933, Scoville Canning Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that the original labels be removed from the cans and a label bearing the statement, "Contents 1 qt. 1 pt. 1½ fl. oz.", be affixed thereto.

M. L. WILSON, *Acting Secretary of Agriculture.*

21335. Misbranding of macaroni. U. S. v. 28 Cases of Macaroni. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30574. Sample no. 41827-A.)

This case involved a shipment of macaroni in packages that were not labeled, as required by law, with a plain and conspicuous statement of the quantity of the contents. The statement of weight appeared in an obscure fashion on a panel of the label that would not be used for display purposes.

On June 9, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 cases of macaroni at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about April 27 and May 8, 1933, by the Ronzoni Macaroni Co., Inc., from Long Island City, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Ronzoni Pasta Alimentaire * * * Net Weight Fifteen Ounces, Ronzoni Macaroni Co., Inc., Long Island City, N.Y."

It was alleged in the libel that the article was misbranded in that the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 5, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21336. Adulteration of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30705. Sample no. 40628-A.)

This case involved a shipment of butter that contained less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On June 16, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on June 6, 1933, by the A. F. Schultz Creamery Co., from Antigo, Wis., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On June 20, 1933, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be reworked, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of in violation of the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

21337. Misbranding of olive oil. U. S. v. 24 Cases and 5 Cases of Olive Oil. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30666. Sample no. 39757-A, 39758-A.)

This case involved a shipment of olive oil, sample cans of which were found to contain less than the volume declared on the label.

On June 26, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 cases of olive oil at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about May 29, 1933, by M. Thomas Marcello, from Providence, R.I., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "One Gallon [or "One Half Gallon"] Liguria Brand Pure Olive Oil Liguria Olive Oil Company."

It was alleged in the libel that the article was misbranded in that the statements, "One Gallon" and "One Half Gallon", borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was incorrect.

On July 6, 1933, M. Thomas Marcello, Cranston, R.I., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the deposit of a cash bond in the sum of \$100, conditioned that the product should not be sold or disposed of contrary to the provisions of the Federal Food

and Drugs Act. It was further ordered that the oil be removed from the original containers and that the cases and cans be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21338. Misbranding of olive oil. U. S. v. 37 Cans of Olive Oil. Decree of condemnation and destruction. (F. & D. no. 30641. Sample no. 32030-A.)

This case involved a shipment of olive oil, sample cans of which were found to contain less than the volume declared on the label, 1 gallon.

On or about June 19, 1933, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 cans of olive oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about June 8, 1933, by the International Importing Co., Inc., from Providence, R.I., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Net Contents One Gallon The Prime Rose Pure Virgin Olive Oil * * * The International Importing Co., Inc., Providence, R.I."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Net Contents One Gallon", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On July 18, 1933, 11 cans of the product having been seized and no claim or answer having been filed, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21339. Misbranding of canned pears. U. S. v. 300 Cases of Canned Pears. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 30601. Sample no. 37223-A.)

This case involved a shipment of canned pears which fell below the standard established by this Department and which were not labeled to indicate that they were substandard. Sample cans taken from the shipment were found to contain less than the declared weight.

On June 15, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 300 cases of canned pears at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about May 20, 1933, by Ray-Maling (Ray-Maling Co., Inc.), from Portland, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Britewest Brand Bartlett Pears Net Weight 1 Lb. 14 Ozs. Select Northwest Fruits Washington Canners Co-Operative Vancouver Washington."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Lb. Fourteen Ozs.", was false and misleading and deceived and misled the purchaser and for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect. Misbranding was alleged for the further reason that the article fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because of excessive trimmings, nonuniformity of size, and small size, and because the liquid portion of the finished product read less than 13° Brix, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On July 17, 1933, the Washington Canners Cooperative having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon the execution of a good and sufficient bond, conditioned that it be relabeled under the supervision of this Department and that the claimant pay the costs of the proceedings.

M. L. WILSON, *Acting Secretary of Agriculture.*

21340. Adulteration of butter. U. S. v. Exeland Cooperative Creamery Association. Plea of nolo contendere. Fine, \$5 and costs. (F. & D. no. 30163. Sample no. 11360-A.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat.

On May 20, 1933, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Exeland Cooperative Creamery Association, a corporation, Exeland, Wis., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 19, 1932, from the State of Wisconsin into the State of New York of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product deficient in milk fat in that it contained less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of March 4, 1923, which the article purported to be.

On July 18, 1933, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5 and costs.

M. L. WILSON, Acting Secretary of Agriculture.

21341. Adulteration and misbranding of alimentary pastes. U. S. v. Gragnano Products, Inc. Plea of guilty. Fine, \$50. (F. & D. no. 30140. I.S. no. 32275.)

This case was based on the interstate shipment of semolina spaghetti, semolina sea shells, and semolina elbow macaroni that were artificially colored.

On June 7, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Gragnano Products, Inc., a corporation, San Francisco, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 11, 1932, from the State of California into the State of Utah, of quantities of alimentary pastes that were adulterated and misbranded. The articles were labeled: "Semolina Spaghetti [or 'Sea Shells' or 'Elbow Macaroni'] * * * Manufactured by Gragnano Products, Inc. San Francisco, Calif."

It was alleged in the information that the articles were adulterated in that products which contained no egg and which were artificially colored had been substituted for the said articles. Adulteration was alleged for the further reason that the articles were inferior to semolina spaghetti, semolina sea shells, and semolina macaroni, i.e., products which contained no egg and were colored with a coal tar dye, tartrazine, so as to simulate the appearance of semolina spaghetti, semolina sea shells, and semolina macaroni, and in a manner whereby their inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Semolina Spaghetti", "Semolina Sea Shells", and "Semolina Elbow Macaroni", borne on the labels, were false and misleading and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, in that the statements represented that the articles were semolina spaghetti, semolina sea shells, or semolina elbow macaroni, whereas they were not, but were artificially colored products which contained no egg.

On July 8, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, Acting Secretary of Agriculture.

21342. Adulteration and misbranding of dried egg yolk. U. S. v. Carl O. Bashaw. Plea of guilty. Fine, \$40. (F. & D. no. 30148. I.S. nos. 15515, 15516.)

This case was based on shipments of egg yolk that contained reducing sugars.

On June 23, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Carl O. Bashaw, president of the Bashaw-Arey Co., San Francisco, Calif., alleging shipment by said defendant on or about October 18, 1930, from the State of California into the State of New York of quantities of egg yolk that was adulterated and misbranded. The article was invoiced: (Portion) "Spray Egg Yolk", (remainder) "Yolk Spray Process." Certain cases were labeled: "Tip Top Brand Bashaw Arey Co. * * * San Francisco, Calif."

It was alleged in the information that the article was adulterated in that a product composed in part of reducing sugars had been substituted for the article; and in that it was a product inferior to spray egg yolk, or yolk spray process, namely, a product composed in part of reducing sugars, and was colored with coal tar dyes, Tartrazine S.J. and Orange I S.J., so as to simulate the appearance of spray egg yolk and yolk spray process, and in a manner whereby its inferiority to said product was concealed.

Misbranding was alleged for the reason that the article was composed in part of reducing sugars, artificially colored, prepared in imitation of spray egg yolk and yolk spray process, and was offered for sale and sold under the distinctive name of another article.

On July 11, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$40.

M. L. WILSON, *Acting Secretary of Agriculture.*

21343. Adulteration of canned salmon. U. S. v. Farwest Fisheries, Inc. Plea of guilty. Fine, \$25. (F. & D. no. 27564. I.S. no. 1043.)

This case was based on an interstate shipment of canned salmon, samples of which were found to be tainted or stale.

On November 1, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Farwest Fisheries, Inc., a corporation, Seattle, Wash., alleging shipment by said company, under the name of the Oceanic Sales Co., in violation of the Food and Drugs Act, on or about July 30, 1930, from the State of Washington into the State of Illinois, of a quantity of canned salmon that was adulterated. The article was labeled in part: "Canned Salmon Year Round Seafood."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy, decomposed, and putrid animal substance.

On July 17, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21344. Adulteration of butter. U. S. v. Swift & Co. Plea of guilty. Fine, \$25. (F. & D. no. 30184. Sample no. 4937-A.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat.

On June 23, 1933, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Swift & Co., a corporation, trading at Columbus, Nebr., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 4, 1932, from the State of Nebraska into the State of Illinois, of a quantity of butter that was adulterated.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On July 22, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21345. Adulteration of butter. U. S. v. 13 Cubes of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. no. 30703. Sample no. 29684-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On June 19, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 cubes of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about June 5, 1933, by T. B. Klock & Co., from Billings, Mont., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was misbranded in that a product containing less than 80 percent by weight of milk fat had been substituted for

butter, a product which should contain not less than 80 percent by weight of milk fat as provided by the act of March 4, 1923.

On June 30, 1933, the Carbon County Creamery, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21346. Adulteration and misbranding of butter. U. S. v. 28 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30835. Sample no. 40663-A.)

This case involved a shipment of butter which contained less than 80 percent of milk fat and which was not labeled with a statement of the quantity of the contents.

On June 27, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 tubs of butter at Chicago, Ill., alleging that article had been shipped in interstate commerce on June 19, 1933, by McAllister Bros., from Marceline, Mo., and charging adulteration and misbranding in violation of the Food and Drug Act as amended.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 1, 1933, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant to be reworked, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

21347. Adulteration and misbranding of butter. U. S. v. Armour & Co. Plea of nolo contendere. Fine, \$25. (F. & D. no. 29496. I.S. nos. 55751, 55759, 55762, 55763, 55764.)

This case was based on interstate shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat.

On May 12, 1933, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Armour & Co., a corporation, trading at Mitchell, S.Dak., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 12, March 16, and March 26, 1932, from the State of South Dakota into the State of Illinois, of quantities of butter that was adulterated and misbranded. The article was labeled in part: "Armour's Cloverbloom * * * Full Cream Butter. * * * Distributed by Armour Creamery, General Offices, Chicago."

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Butter", borne on the label, was false and misleading and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, a product which should contain not less than 80 percent by weight of milk fat, whereas it contained less than 80 percent by weight of milk fat.

On July 20, 1933, a plea of nolo contendere to the information was entered, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21348. Adulteration of vinegar. U. S. v. 79 and 108 Half Barrels of Vinegar. Default decrees of condemnation, forfeiture, and destruction. (F. & D. no. 29623. Sample nos. 32915-A, 32916-A.)

These actions involved returned shipments of vinegar that contained arsenic in an amount that might have rendered it injurious to health.

On December 13, 1932, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 187 half barrels of vinegar at Middleport, N.Y., alleging that the article had been shipped in interstate commerce in part on or about November 17, 1932, from Flint, Mich., and in part on or about November 21, 1932, from Cleveland, Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "W. E. Mathes Vinegar Co. Pure Apple Cider Vinegar Made from fresh apples reduced to 4% Acidity * * * Albion, N.Y."

It was alleged in the libels that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it harmful to health.

On July 5, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21349. Adulteration of dried grapes. U. S. v. 55 Cases of Dried Grapes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29649. Sample no. 27832-A.)

This case involved a shipment of dried grapes that were found to be insect-infested.

On December 15, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 55 cases of dried grapes at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about December 6, 1932, by the Lion Packing Co., from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Lion Brand Alicante Selected Calif. Dried Black Grapes Packed by Lion Packing Co. Fresno, California."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On July 8, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21350. Misbranding of salad mustard. U. S. v. 13 Cases of Salad Mustard. Default decree of condemnation and destruction. (F. & D. no. 29758. Sample no. 18179-A.)

This case involved an interstate shipment of mustard, the package or label of which failed to bear a statement of the quantity of the contents as required by law.

On January 21, 1933, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 cases of salad mustard at Birmingham, Ala., alleging that the article had been shipped on or about December 3, 1932, by the Mid-West Food Packers, Inc., from Fowlerton, Ind., and charging misbranding in violation of the Food and Drugs Act as amended. The article was unlabeled at the time of shipment.

It was alleged in the libel that the article was misbranded in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package when shipped in interstate commerce.

On July 8, 1933, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21351. Misbranding of olive oil. U. S. v. 79 Half-Gallon Cans and Thirty Gallon Cans of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. no. 30627. Sample nos. 32139-A, 32140-A.)

This case involved quantities of olive oil which was found to be short volume.

On June 20, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of fifteen 1-gallon cans and 15 half-gallon cans of olive oil at Scranton, Pa. On September 1, 1933, an order was entered amending the libel to cover 79 half-gallon cans and thirty 1-gallon cans. It was alleged in the libel as amended that the article had been shipped in interstate commerce on or about December 19, 1931, by A. Russo & Co., from Chicago, Ill., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "One Gallon Net [or "One Half Gallon Net"] Diana Brand Superfine Olive Oil Imported by A. Russo & Co."

The libel charged that the article was misbranded in that the statements on the labels, "One Gallon" and "One Half Gallon", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements made were incorrect.

On September 25, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be relabeled and sold by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21352. Adulteration of butter. U. S. v. Plains Cooperative, Inc. Plea of guilty. Fine, \$25. (F. & D. no. 30232. Sample no. 4665-A.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On July 22, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Plains Cooperative, Inc., Plainview, Tex., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 9, 1932, from the State of Texas into the State of Illinois, of a quantity of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat, as required by the act of Congress of March 4, 1923, which the article purported to be.

On September 25, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21353. Misbranding of fruit sirups. U. S. v. 8 Cases of Fruit Punch Syrup and 6 Cases of Strawberry Syrup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. no. 30887. Sample nos. 50060-A, 50064-A.)

These cases involved products represented to be pure fruit sirups, which were found to consist of mixtures of sugar, water, fruit juice, and undeclared added acid. The declaration of the quantity of the contents was made in ounces and not in terms of the largest unit and of liquid measure.

On August 10, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court, libels praying seizure and condemnation of 8 cases of fruit punch sirup and 6 cases of strawberry sirup at Philadelphia, Pa., alleging that the articles had been shipped in interstate commerce, on or about June 21, 1932, by the Orchard Products Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled "16 Oz. Net Weight."

It was alleged in the libel that the articles were misbranded in that the statements on the labels, "Pure Fruit Punch Syrup * * * made from the juice of fresh fruit and rock candy Syrup", and "Pure Strawberry Syrup * * * made from the juice of fresh strawberries and rock candy sirup",

were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles, and for the further reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements made were not in terms of the largest unit and in terms of liquid measure.

On September 5, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21354. Adulteration of blueberries. U. S. v. 5 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30967. Sample no. 46952-A.)

This case involved an interstate shipment of blueberries which were found to contain maggots.

On August 9, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five crates of blueberries at Boston, Mass., consigned August 8, 1933, alleging that the article had been shipped in interstate commerce by Alice E. Tasker, from Barnstead, N.H., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 18, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21355. Adulteration of crab meat. U.S. v. 2 Barrels of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30840. Sample no. 43235-A.)

This case involved a shipment of crab meat which was contaminated with fecal *B. coli*, and was in part decomposed.

On July 13, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2 barrels containing two hundred and forty-eight 1-pound cans of crab meat at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about July 10, 1933, by the Bluff Point Co., from Philadelphia, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On August 12, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21356. Adulteration of flour. U. S. v. Sixty-six 12-Pound Sacks, et al., of Flour. Default decrees of condemnation and destruction. (F. & D. nos. 30801, 30802. Sample no. 39207-A.)

These cases involved a shipment of flour which was heavily infested with weevils and larvae.

On August 2, 1933, the United States attorney for the Southern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of sixty-six 12-pound sacks, forty-seven 24-pound sacks, and nine 6-pound sacks of flour at Savannah, Ga., alleging that the article had been shipped in interstate commerce on or about April 22, 1933, by Mero Mills, from Nashville, Tenn., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "South Down Self Rising Flour."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On August 25, 1933, no claimant having appeared for the property, judgments of condemnation were entered, and it was ordered by the court that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21357. Adulteration of blueberries. U. S. v. 11 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30970. Sample no. 47076-A.)

This case involved an interstate shipment of blueberries which were found to contain maggots.

On August 7, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 crates of blueberries at Boston, Mass., consigned August 6, 1933, alleging that the article had been shipped in interstate commerce by Elmer Starr, Sr., from Rockville, Maine, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 18, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21358. Adulteration of blueberries. U. S. v. 22 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30978. Sample no. 47093-A.)

This case involved an interstate shipment of blueberries which were found to contain maggots.

On August 11, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 crates of blueberries at Boston, Mass., consigned August 10, 1933, alleging that the article had been shipped in interstate commerce by Arthur Duplisea, from Gray, Maine, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 23, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21359. Adulteration of blueberries. U. S. v. 6 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30930. Sample no. 39821-A.)

This case involved an interstate shipment of blueberries which were found to contain maggots.

On August 2, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six crates of blueberries at Boston, Mass., consigned August 2, 1933, alleging that the article had been shipped in interstate commerce by F. P. Richardson, from South Lyndeboro, N.H., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 23, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21360. Adulteration of pecans. U. S. v. Hendrick L. Cromartie. Plea of nolo contendere. Fine, \$25 on each of five counts. Execution of sentence suspended on counts 2 to 5, inclusive, and defendant placed on probation for one year. (F. & D. no. 29529. I.S. nos. 47734, 50649, 50650, 53876, 53936.)

This case involved various shipments of pecans which contained an excessive proportion of inedible nuts, consisting of wormy, rotten or moldy, rancid or decomposed, and shriveled or empty nuts.

On August 7, 1933, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Hendrick L. Cromartie, Albany, Ga., alleging shipment by said defendant in violation of the Food and Drugs Act, in various consignments between March 3 and March 11, 1932, from the State of Georgia into the State of Missouri, of quantities of pecan nuts which were adulterated.

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy, decomposed, and putrid vegetable substance.

On September 29, 1933, the defendant entered a plea of *nolo contendere* to the information, and on October 3, 1933, the court imposed a fine of \$25 on each of the five counts. Execution of sentence was suspended on counts 2 to 5, inclusive, and defendant was placed on probation for one year as to the violations covered by said counts.

M. L. WILSON, *Acting Secretary of Agriculture.*

21361. Misbranding of corn meal. U. S. v. Shreveport Grain & Elevator Co. Motion to quash and demurrer to indictment filed. Motion and demurrer sustained by District Court. Appeal to Supreme Court. Judgment of District Court reversed. Plea of *nolo contendere*. Fine, \$100. (F. & D. no. 23765. I.S. nos. 0930, 0931, 0932, 0933.)

This indictment was based on various shipments of corn meal made by the defendant company, which had been weighed by a representative of this Department and found to be short of the declared net weight.

On November 4, 1931, the grand jurors of the United States for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, presented an indictment against the Shreveport Grain & Elevator Co., a corporation, Shreveport, La., charging shipment by the defendant company on or about April 3, 4, and 5, 1929, from the State of Louisiana into the State of Mississippi, of quantities of corn meal which was misbranded. The article was labeled: (Sacks) "Red Head Fresh Ground Meal Shreveport Grain & Ele. Co. Shreveport, La. Fresh Ground Meal Net 96 [or "24" or "98"] Lbs."

It was charged in the indictment that the article was misbranded in that the statements of weight borne on the labels, to wit, "96 Lbs. Net", "24 Lbs. Net" and "98 Lbs. Net", were false and misleading; for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the sacks contained less than so labeled, the alleged 96-pound sacks containing not more than 94 pounds 12 ounces net, the alleged 24-pound sacks containing not more than 23 pounds net, and the alleged 98-pound sacks containing not more than 97 pounds net. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On November 9, 1931, the defendant filed a demurrer and motion to quash the indictment, which were submitted to the court on briefs on November 24, 1931, and were sustained by the court in the following opinion handed down February 8, 1932 (Dawkins, J.):

"For the reasons given in memorandum opinion handed down in a similar prosecution by the Government against this defendant some months ago (U.S. v. Shreveport Grain & Elevator Co., no. 5542) (Notice of Judgment No. 18300) I think the demurrer and motion to quash should be sustained. Proper decree should be presented."

The Government filed a bill of exceptions and a petition for an order of appeal direct to the Supreme Court of the United States, which petition was granted on March 7, 1932. On November 7, 1932, the Supreme Court handed down the following opinion reversing the judgment of the district court:

"The defendant (appellee) was charged by indictment, returned in the court below, with misbranding certain sacks, containing corn meal, an article of food by labeling each of the sacks as containing a greater quantity by weight than in fact was contained therein, contrary to the provisions of the Food and Drugs Act of June 30, 1906, c. 3915, 34 Stat. 768, U.S.C., Title 21, § 2, which make it unlawful to ship in interstate or foreign commerce any article of food or drugs which is adulterated or misbranded, within the meaning of the act. The penalty prescribed is a fine of \$200 for the first offense, and for each subsequent offense, not exceeding \$300, or imprisonment not exceeding one year, or both, in the discretion of the court. Section 8, as amended by the act of March 3, 1913, c. 117, 37 Stat. 732, provides that an article of food shall be deemed to be misbranded—

"Third. If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count; provided, however, That reasonable variations shall be permitted, and tolerances and also exemptions as to small packages shall be established by rules and regulations made in accordance with the provisions of section three of this act.

"A motion to quash the indictment was interposed by the defendant upon the grounds that the act of Congress relied on is unconstitutional, because (1) the offense is not defined with certainty and therefore the act violates the due process clause of the Fifth Amendment, and the requirement of the Sixth Amendment that the accused shall enjoy the right 'to be informed of the nature and cause of the accusation'; and (2) it is in conflict with Articles I, II, and III of the Federal Constitution which separate the Government into legislative, executive, and judicial branches.

"The court below sustained the motion and dismissed the proceedings. The case comes here by appeal under the provisions of § 238 of the Judicial Code, as amended by the Act of February 13, 1925. U.S.C., Title 28, § 345; U.S.C., Title 18, § 682.

"First. The contention seems to be that the proviso makes it necessary to read § 8 as substantively prohibiting unreasonable variations in the weight, measure, or numerical count of the quantity and contents of any package from that marked on the outside of the package; and that the test thereby indicated is so indefinite and uncertain that it fails to fix any ascertainable standard of guilt, or afford a valid definition of a crime. In support of the contention *United States v. Cohen Grocery Co.*, 255 U.S. 81, *United States v. Brewer*, 139 U.S. 278, *Connally v. General Construction Co.*, 269 U.S. 385, and other decisions of this court are relied upon.

"We are of the opinion that the construction thus sought to be put upon the act cannot be sustained; and, therefore, other considerations aside, the cases cited do not apply. The substantive requirement is that the quantity of the contents shall be plainly and conspicuously marked in terms of weight, etc. We construe the proviso simply as giving administrative authority to the Secretaries of the Treasury, Agriculture, Commerce, and Labor to make rules and regulations permitting reasonable variations from the hard and fast rule of the act and establishing tolerances and exemptions as to small packages, in accordance with § 3 thereof.¹ This construction avoids the doubt which otherwise might arise as to the constitutional point, and, therefore, is to be adopted if reasonably possible. *United States v. Standard Brewery*, 251 U.S. 210, 220; *United States v. La Franca*, 282 U.S. 568, 574. We find nothing in the terms of the act to require a division of the proviso so that the power of regulation will apply to the establishment of tolerances and exemptions, but not to reasonable variations. We think both are included. As to this there would be no room for doubt if it were not for the presence of a comma after the word 'permitted', or the absence of one after the word 'established.' Inserting the latter, the proviso would read, 'That reasonable variations shall be permitted, and tolerances and also exemptions as to small packages shall be established, by rules and regulations . . .' Punctuation marks are no part of an act. To determine the intent of the law, the court, in construing a statute, will disregard the punctuation, or will repunctuate if that be necessary, in order to arrive at the natural meaning of the words employed. *Hammock v. Loan & Trust Co.*, 105 U.S. 77, 84-85; *United States v. Lacher*, 134 U.S. 624, 628; *United States v. Oregon & California R. Co.*, 164 U.S. 526, 541; *Stephens v. Cherokee Nation*, 174 U.S. 445, 480; *Chicago, M. & St. P. Ry. Co. v. Voelker*, 129 Fed. 522, 526-527.

"Our attention is called to the fact that the House Committee on Interstate and Foreign Commerce, in reporting the bill which afterwards became the act in question (H.R. 850, 62d Cong., 2d sess. pp. 2-4), agreed with the view that the authority to make rules and regulations was confined to the establishment of tolerances and exemptions; and that the Senate Committee on Manufactures (S.Rept. 1216, 62d Cong., 3d sess., pp. 2-4) reported to the same effect. In proper cases, such reports are given consideration in determining the meaning of a statute, but only where that meaning is doubtful. They cannot be resorted to for the purpose of construing a statute contrary to the natural import of its terms. *Wisconsin R.R. Comm. v. C., B. & Q. R. Co.*, 257 U.S. 563, 588-589; *Penna. R. Co. v. International Coal Co.*, 230 U.S. 184, 199; *Van Camp & Sons v. American Can Co.*, 278 U.S. 245, 253. Like other extrinsic aids to construction their use is 'to solve, but not to create an ambiguity.' *Hamilton v. Rathbone*, 175 U.S. 414, 421. Or, as stated in *United States v. Hartwell*, 6 Wall. 385, 396, 'If the language be clear it is conclusive. There can be no construction where there is nothing to construe.' The same rule is recognized by the English

¹Sec. 3 provides that the Secretaries named "should make uniform rules and regulations for carrying out the provisions of this act. * * *

courts. In *King v. Commissioners*, 5 A. & E. 804, 816, Lord Denman, applying the rule, said that the court was constrained to give the words of a private act then under consideration an effect which probably was 'never contemplated by those who obtained the act, and very probably not intended by the legislature which enacted it. But our duty is to look to the language employed, and construe it in its natural and obvious sense.' See also *United States v. Lexington Mill Co.*, 232 U.S. 399, 409; *Caminetti v. United States*, 242 U.S. 470, 485.

"Moreover, the practical and long continued construction of the executive departments charged with the administration of the act and with the duty of making the rules and regulations therein provided for, has been in accordance with the view we have expressed as to the meaning of the section under consideration. The rules and regulations, as amended on May 11, 1914, deal with the entire subject in detail under the recital, '(i) The following tolerances and variations from the quantity of the contents marked on the package shall be allowed: . . . ' Then follows an enumeration of discrepancies due to errors in weighing which occur in packing conducted in compliance with good commercial practice; due to differences in capacity of bottles and similar containers, resulting from unavoidable difficulties in manufacture, etc.; or in weight due to atmospheric differences in various places, etc. "These regulations, which cover variations as well as tolerances and exemptions, have been in force for a period of more than eighteen years, with the silent acquiescence of Congress. If the meaning of the statutory words was doubtful, so as to call for a resort to extrinsic aid in an effort to reach a proper construction of them, we should hesitate to accept the committee reports in preference to this contemporaneous and long continued practical construction of the act on the part of those charged with its administration. Such a construction, in cases of doubtful meaning, is accepted unless there are cogent and persuasive reasons for rejecting it. See, for example, *United States v. Johnston*, 124 U.S. 236, 253.

"Second. The contention that the act contravenes the provisions of the Constitution with respect to the separation of the governmental powers is without merit. That the legislative power of Congress cannot be delegated is, of course, clear. But Congress may declare its will, and after fixing a primary standard, devolve upon administrative officers the 'power to fill up the details' by prescribing administrative rules and regulations. That the authority conferred by the act now under review in this respect does not transcend the power of Congress is not open to reasonable dispute. The effect of the provision assailed is to define an offense, but with directions to those charged with the administration of the act to make supplementary rules and regulations allowing reasonable variations, tolerances, and exemptions, which, because of their variety and need of detailed statement, it was impracticable for Congress to prescribe. The effect of the proviso is evident and legitimate, namely, to prevent the embarrassment and hardship which might result from a too literal and minute enforcement of the act, without at the same time offending against its purposes. The proviso does not delegate legislative power but confers administrative functions entirely valid within principles established by numerous decisions of this court, of which the following may be cited as examples. *Buttfield v. Stranahan*, 192 U.S. 470, 496; *Plymouth Coal Co. v. Pennsylvania*, 232 U.S. 531, 542; *United States v. Grimaud*, 220 U.S. 506, and authorities reviewed."

Judgment reversed.

On October 9, 1933, a plea of *nolo contendere* was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture*.

21362. Adulteration of blueberries. U. S. v. 9 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30971. Sample no. 47077-A.)

This case involved an interstate shipment of blueberries which were found to contain maggots.

On August 7, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine crates of blueberries at Boston, Mass., consigned August 6, 1933, alleging that the article had been shipped in interstate commerce by Alfred Karlson, from Rockland, Maine, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 18, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21363. Misbranding of butter. U. S. v. 6 Boxes of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30728. Sample no. 43261-A.)

This action involved a shipment of butter, which was found to be short weight.

On June 24, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six 50-pound boxes of butter at Newark, N.J., alleging that the article had been shipped in interstate commerce on or about June 19, 1933, from the premises of Peter Hernig Sons, Philadelphia, Pa., to the premises of Peter Hernig Sons, Newark, N.J., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Parchment wrapper) "One Pound Net."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Pound Net", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On August 16, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21364. Adulteration of dried apple pulp. U. S. v. 812 Sacks of Dried Apple Pulp. Default decree of destruction. (F. & D. no. 30712. Sample no. 41214-A.)

This action involved a shipment of dried apple pulp which was found to contain arsenic and lead in amounts which might have rendered it injurious to health.

On July 11, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 812 sacks of dried apple pulp at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about April 15, 1933, by John C. Morgan Co., from Traverse City, Mich., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On August 31, 1933, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21365. Misbranding of vinegar. U. S. v. 934 Cases of Vinegar. Product released to be relabeled. (F. & D. no. 30682. Sample no. 36182-A.)

Examination of samples of vinegar from the shipment involved in this case showed that the bottles contained less than the declared volume, also that the statement of volume was not made in terms of liquid measure.

On June 29, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 934 cases of vinegar at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce, on or about October 4, 1932, by Jones Bros. Co., from Albina, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottle) "Pure Cider Vinegar Contents 32 Oz. Jones Bros. Co., Inc. Portland, Ore."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 32 Oz.", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the

bottles contained less than the declared volume, and the statement of the quantity of the contents was not declared in terms of liquid measure.

On August 9, 1933, U. B. Newman, representing the Jones Bros. Co., having appeared as claimant and admitted the allegations of the libel, judgment was entered ordering that the product be released to the claimant to be relabeled so that it conform in all respects with Government regulations.

M. L. WILSON, *Acting Secretary of Agriculture.*

21366. Misbranding of olive oil. U. S. v. 23 Gallons of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. no. 30577. Sample no. 32141-A.)

This case involved a shipment of olive oil, sample cans of which were found to contain less than 1 gallon, the volume declared on the label.

On June 12, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 gallons of olive oil at Scranton, Pa., alleging that the article had been shipped in interstate commerce on or about March 2, 1933, by Ossola Bros., Inc., from New York, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "1 gallon net grande Italia brand extra of sublime Virgin Olive Oil."

It was alleged in the libel that the article was misbranded in that the statement on the label, "1 Gallon", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On August 16, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the words, "One Gallon", be obliterated from the can label and that the article be sold by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21367. Adulteration and misbranding of jams and jellies. U. S. v. Grocers Specialty Co. Plea of guilty. Fine of \$100 imposed on each of 42 counts. Sentence suspended. (F. & D. no. 20412. I.S. nos. 21329. 21346, 21348, 21363, 21364, 21365.)

This case was based on various shipments of imitation jams and jellies labeled to convey the impression that they were compound jams and pectin jellies, respectively. The strawberry and raspberry jams contained undeclared artificial color. The loganberry jam contained less than the 25 percent of fruit declared on the label. The jellies contained undeclared artificial color, and probably a small amount of fruit, not sufficient, however, to give them a characteristic fruit flavor.

On July 13, 1933, the Grand Jurors of the United States for the Southern District of California, acting upon a report by the Secretary of Agriculture, presented in the district court an indictment against the Grocers Specialty Co., a corporation, Los Angeles, Calif., alleging shipment by said company in violation of the Food and Drugs Act, in various shipments, on or about August 18, August 20, and September 4, 1931, respectively, from the State of California into the State of Arizona, of quantities of jams and jellies which were adulterated and misbranded. The jams were labeled, "Grandma's [or 'American Beauty'] Compound Pectin Sugar Strawberry [or 'Raspberry,' or 'Loganberry'] Jam Fruit Acid Added 25% Strawberry [or 'Raspberry' or 'Loganberry'] 55% Sugar 20% Pectin Packed by Grocers Specialty Co., Inc., Los Angeles, California", together with designs of strawberries, raspberries, or loganberries. The jellies were labeled in part: "Peacock Brand Strawberry [or 'Raspberry'] And Pectin Jelly Fruit Acid Added", together with designs showing strawberries or raspberries and a peacock.

It was alleged in the indictment that the strawberry and raspberry jams were adulterated in that artificially colored imitation jams had been substituted for compound pectin sugar strawberry (or raspberry) jam, which the articles purported to be. Adulteration of the loganberry jam was alleged for the reason that an imitation jam had been substituted for compound pectin sugar loganberry jam, which the article purported to be. Adulteration of the jellies was alleged, in that artificially colored imitation jellies had been sub-

stituted for strawberry and raspberry pectin jellies, which the articles purported to be. Adulteration of the strawberry and raspberry jams and jellies was alleged for the further reason that the articles had been mixed and colored in a manner whereby inferiority was concealed. Adulteration of the loganberry jam was alleged for the further reason that the article had been mixed with a insufficient amount of loganberries, namely, less than the declared 25 percent, in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Compound Pectin Sugar Strawberry [or "Raspberry" or "Loganberry"]", with respect to the jams and the statements, "Strawberry" [or "Raspberry"] and Pectin Jelly" with respect to the said jellies, together with the designs of strawberries, raspberries, and loganberries, borne on the labels, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser; since they were not as represented, but were imitation jams and jellies and were not labeled "imitation", the strawberry and raspberry jams and the jellies were artificially colored, and the words "Artificially Colored", were not borne on the labels. Misbranding of the loganberry jam was alleged for the further reason that the statement "25% Loganberry" was false and misleading and deceived and misled the purchaser, since the article contained less than 25 percent of loganberries. Misbranding of all products was alleged for the further reason that they were imitations of other articles, and for the further reason that they were offered for sale under the distinctive names of other articles.

On August 28, 1933, a plea of guilty to the information was entered by Abraham Mark, president of the defendant company, and the court imposed a sentence of \$100 on each of the 42 counts, and ordered commitment suspended for 18 months on condition that there should be no violation of the Food and Drugs Act during that period by the president of the firm or by anyone acting under his direction.

M. L. WILSON, *Acting Secretary of Agriculture.*

21368. Adulteration and misbranding of vanilla flavor. U. S. v. Elwood J. Goodier (Universal Laboratories). Plea of guilty. Fine, \$100. (F. & D. no. 30174. I.S. no. 22346.)

This case was based on an interstate shipment of a product labeled to convey the impression that it was vanilla flavor. Examination of the article showed that it was an imitation vanilla flavor.

On June 7, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Elwood J. Goodier, trading as Universal Laboratories, Dallas, Tex., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about February 11, 1932, from the State of Texas into the State of Montana, of a quantity of vanilla flavor which was adulterated and misbranded. The article was labeled in part: "Goodier's De Luxe * * * Vanilla Flavor * * * Manufactured By Universal Laboratories, Dallas."

It was alleged in the information that the article was adulterated in that an imitation vanilla flavor had been substituted for vanilla flavor, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Vanilla Flavor", borne in large conspicuous type on the carton and bottle labels, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statements represented that it was vanilla flavor, whereas it was an imitation vanilla flavor and the word imitation was not stated on the package in which the article was offered for sale. Misbranding was alleged for the further reason that the article was an imitation of another article and was offered for sale under the distinctive name of said other article, viz, vanilla flavor.

On September 25, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

21369. Adulteration and misbranding of canned corn. U. S. v. 25 Cases of Canned Corn. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30713. Sample no. 36619-A.)

This case involved a shipment of canned corn which was labeled "Fancy Grade", and which was found to consist of Standard grade, which is two grades lower than Fancy.

On July 12, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cases of canned corn at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 22, 1932, by the Lawrence Wholesale Co., from Bricelyn, Minn., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Leader Brand Fancy Crosby Corn * * * Packed by Bricelyn Canning Co. Bricelyn, Minn."

It was alleged in the libel that the article was adulterated in that a substance, namely, corn below the grade indicated on the label, had been substituted in whole or in part for Fancy grade canned corn.

Misbranding was alleged for the reason that the statement on the label, "Fancy", was false and misleading and deceived and misled the purchaser.

On September 28, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21370. Adulteration of vinegar. U. S. v. 80 Barrels, et al., of Vinegar. Default decree of condemnation and destruction. (F. & D. no. 30600. Sample no. 31265-A.)

This case involved a shipment of vinegar which was found to contain arsenic and lead in amounts which might have rendered the article injurious to health.

On June 15, 1933, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 80 barrels, 50 half-barrels, 20 kegs of vinegar, and 100 cases of bottled vinegar at Havre, Mont., alleging that the article had been shipped in interstate commerce on or about March 14, 1933, by the Speas Manufacturing Co., from Spokane, Wash., and charging adulteration in violation of the Food and Drugs Act.

The bottled vinegar was labeled in part: "Speas Pure Cider Vinegar." The portion contained in kegs and barrels was labeled in part: "Speas Manufacturing Company * * * Pure Cider Vinegar."

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered the article injurious to health.

On September 25, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21371. Misbranding of walnut meats and hazelnuts. U. S. v. 5 Cases of Walnut Meats, et al. Consent decrees of condemnation and forfeiture. Products released under bond. (F. & D. nos. 30655, 30656, 30755. Sample nos. 37267-A, 37269-A, 37423-A.)

Examination of samples of the walnut meats and hazelnuts involved in these cases showed that the packages contained less than 8 ounces, the declared weight.

On July 1 and July 20, 1933, the United States attorney for the Eastern District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 14 cases of walnut meats and 10 cases of hazelnuts at Spokane, Wash., alleging that the articles had been shipped in interstate commerce in various shipments on or about November 11, November 23, and December 2, 1932, by the Dundee Walnut Association, in part from Portland, Oreg., and in part from Dundee, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Net Weight 8 Ozs. Norpac Walnut Meats [or "Hazelnuts"]." Portions were further labeled: "North Pacific Nut Growers Cooperative."

It was alleged in the libels that the articles were misbranded in that the statement on the labels, "Net Weight 8 Ozs.", was false and misleading and deceived and misled the purchaser, and for the further reason that the articles were in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On September 18, 1933, the North Pacific Nut Growers Cooperative Association, claimant, having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the

product might be released to the claimant upon payment of costs and the execution of a bond in the total sum of \$1,000, conditioned that it be brought into conformity with the law under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21372. Adulteration and misbranding of butter. U. S. v. Gold Seal Creamery. Plea of guilty. Fine, \$250. (F. & D. no. 30220. Sample nos. 1483-A, 1485-A, 1486-A, 1487-A, 1488-A.)

This case was based on interstate shipments of butter, sample cartons of which were found to contain less than 1 pound, the declared weight. Certain lots of the product also were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On July 20, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Gold Seal Creamery, a corporation, Medford, Oreg., alleging shipment by said company in violation of the Food and Drugs Act as amended, in part on or about September 6, 1932, and in part on or about September 12, 1932, from the State of Oregon into the State of California, of quantities of butter which was misbranded and a portion of which was adulterated. A portion of the article was labeled in part: (Carton) "Net Weight One Pound * * * One Pound Standard Grade Butter"; (wrapper) "Weight One Pound Standard Grade Butter * * * Gold Seal Creamery * * * Gold Seal Creamery, Medford, Ore." The remainder was labeled in part: "Maid O'Sweet Cream Butter Manufactured by Gold Seal Creamery * * * Net Weight One Pound."

It was alleged in the information that certain lots of the "Gold Seal" butter were adulterated in that a product deficient in milk fat, since it contained less than 80 percent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat, as required by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding of the said lots of "Gold Seal" butter was alleged for the reason that the statements, "Butter", and "Standard Grade Butter", borne on the cartons and wrappers, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the statements represented that the article was butter, a product which must contain not less than 80 percent by weight of milk fat; whereas it was not butter, since it contained less than 80 percent by weight of milk fat. Misbranding was alleged with respect to all lots of the product for the reason that the statements regarding the weight, "Net Weight One Pound" and "One Pound", borne on the wrappers and cartons, were false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since each of a large number of the packages in all lots was found to contain less than 1 pound net. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement of weight was incorrect.

On August 8, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$250.

M. L. WILSON, *Acting Secretary of Agriculture.*

21373. Adulteration of blueberries. U. S. v. 6 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30864. Sample no. 49783-A.)

This case involved an interstate shipment of blueberries which were found to be infested with maggots.

On August 7, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six crates of blueberries at Buffalo, N.Y., alleging that the article had been shipped in interstate commerce on or about August 4, 1933, by E. J. Matthews from Hazleton, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 21, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21374. Adulteration of blueberries. U. S. v. 16 Crates and 7 Crates of Blueberries. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31077, 31111. Sample nos. 57289-A, 49877-A.)

These cases involved interstate shipments of blueberries which were found to be infested with maggots.

On August 25 and August 28, 1933, the United States attorney for the Western District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 23 crates of blueberries at Buffalo, N.Y., alleging that the article had been shipped in interstate commerce on or about August 22 and August 26, 1933, by Daniel Mosley (or Masley), from Audenreid, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 21, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21375. Adulteration of crab meat. U. S. v. 1 Barrel, et al., of Crab Meat. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30843, 30912, 30913. Sample nos. 43405-A, 43415-A, 43416-A.)

This case involved an interstate shipment of crab meat which was found to be filthy, examination showing that it contained fecal *B. coli*.

On July 17 and July 22, 1933, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of four barrels of crab meat in tins at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about July 14, July 18, and July 19, 1933, by James T. Smith, from Queenstown, Md., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On August 12, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21376. Adulteration of blueberries. U. S. v. 10 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30973. Sample no. 47085-A.)

This case involved an interstate shipment of blueberries which were found to contain maggots.

On August 9, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 crates of blueberries at Boston, Mass., consigned August 8, 1933, alleging that the article had been shipped in interstate commerce by K. Salminen, from West Rockport, Maine, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 18, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21377. Adulteration of blueberries. U. S. v. 126 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31135. Sample no. 39618-A.)

This case involved an interstate shipment of blueberries which was found to contain maggots.

On September 1 1933, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 126 crates of blueberries at Rockport, Maine., alleging that the article had been consigned for shipment in interstate commerce to various firms in New York, N.Y., and charging adulteration in violation of the Food and Drugs Act. The records of this Department show that the product was delivered for shipment in interstate commerce

by the following individuals: H. A. Elms, Lincolnville; Chas. Child, South Hope; W. G. Merrifield, South Hope; R. E. Crabtree, Union; T. G. Priest, Rockport; H. Pendleton, Camden; J. A. Hendrickson, Rockville; L. H. Upham, Union; P. G. Sargent, Sargentville; Almond Gray, North Sedgwick; Geo. Higgins, Sargentville; E. P. Clapp, Sedgwick; F. H. Bridges, Sedgwick; E. M. Allen, North Sedgwick; L. A. Merrill, Union; A. W. Crabtree, Union; L. Hopkins, Thomaston; and A. L. Cunningham, Rockport, Maine.

It was alleged in the libel that the article was adulterated in that it contained maggots.

On September 5, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21378. Adulteration of blueberries. U. S. v. 23 Crates and 4 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 31110, 31116. Sample nos. 49876-A, 46937-A.)

These cases involved shipments of blueberries which were found to contain maggots.

On July 29, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 crates of blueberries at Boston, Mass. On August 28 1933, a libel was filed in the Western District of New York against 4 crates of blueberries at Buffalo, N.Y. The two lots were consigned July 27 and August 26, 1933, respectively. It was alleged in the libels that the article had been shipped in interstate commerce by J. Shupack, from Hazleton, Pa., and that it was adulterated in violation of the Food and Drugs Act.

The libels charged that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On August 18 and September 20, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21379. Adulteration of apple pomace. U. S. v. 2,000 Bags and 900 Bags of Apple Pomace. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30107, 30108. Sample nos. 28581-A, 28584-A.)

These cases involved shipments of apple pomace which was found to contain arsenic and lead in amounts which might have rendered the article injurious to health.

On April 19, 1933, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 2,900 bags of apple pomace at Chicago, Ill., alleging that the article had been shipped in part on or about November 26, 1932, from Le Roy, N.Y., and in part on or about March 15, 1933, from Middleport, N.Y., by the Gilbert Apple Products Co., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered the article injurious to health.

On September 27, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21380. Adulteration of blueberries. U. S. v. 51 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30974. Sample no. 47087-A.)

This case involved an interstate shipment of blueberries which were found to contain maggots.

On August 9, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 51 crates of blueberries at Boston, Mass., consigned August 8, 1933, alleging that the article had been

shipped in interstate commerce by Mikko Lofman, from Rockland, Maine, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 18, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21381. Adulteration of butter. U. S. v. The Reno Creamery Co. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 29434. I.S. nos. 35334, 37106.)

This action was based on shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On March 13, 1933, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Reno Creamery Co., a corporation, Hutchinson, Kans., alleging shipments by said company in violation of the Food and Drugs Act, in part on or about June 29, 1931, and in part on or about July 7, 1931, from the State of Kansas into the State of Illinois, of a quantity of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On September 18, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21382. Adulteration of canned salmon. U. S. v. 99 Cases of Canned Salmon. Decree of condemnation and forfeiture. Product released under bond for separation and destruction of decomposed portion. (F. & D. no. 29002. Sample no. 13315-A.)

This case involved a shipment of variously coded canned salmon. Samples taken from one of the codes were found to be decomposed.

On October 7, 1932, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 99 cases of canned salmon at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about August 20, 1932, by Oceanic Sales Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Oceanic Sales Company Best Quality Alaska Red Sockeye Salmon."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

On September 26, 1933, the Copper River Packing Co., Seattle, Wash., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that the decomposed portion be segregated and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21383. Misbranding of canned pears. U. S. v. 39 Cases of Canned Pears. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30625. Sample nos. 37024-A, 37132-A.)

This case involved a shipment of canned pears which fell below the standard established by this Department, because of low sugar content of the liquid portion, and because of nonuniformity of size and excessive trimming, and which was not labeled to indicate that it was substandard.

On June 17, 1933, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 cases of canned pears at Wallace, Idaho, alleging that the article had been shipped in interstate commerce, on or about April 28, 1933, by the Washington Cannery Cooperative, from Vancouver, Wash., and charging misbranding in violation of the Food and Drugs

Act as amended. The article was labeled in part: "Britewest Brand Bartlett Pears, * * * Washington Cannery Cooperative, Vancouver, Washington."

It was alleged in the libel that the article was misbranded in that it was canned food, and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, in that the liquid portion read below 13 degrees Brix; because of excessive trimming and because of nonuniformity of size; and the package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it was substandard.

On September 15, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21384. Adulteration of butter. U. S. v. 35 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30960. Sample no. 40281-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On July 29, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 20, 1933, by the Oxford Cooperative Creamery Co., from Oxford, Wis., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On August 7, 1933, C. H. Weaver & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21385. Adulteration and misbranding of peaches. U. S. v. 700 Half-Bushel Baskets of Peaches. Default decree of condemnation and forfeiture, with provision for delivery of portions fit for food to veterans' hospital. (F. & D. no. 30657. Sample no. 8700-A.)

This case involved a shipment of peaches which were below the grade indicated on the labels, since they consisted in part of undersized stock.

On June 21, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 700 half-bushel baskets of peaches at Buffalo, N.Y., consigned by Hoyle & Helms, Thomaston, Ga., alleging that the article had been shipped in interstate commerce, June 14, 1933, from Thomaston, Ga., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Brooks Mountain Brand Fancy Georgia Peaches, grown, packed and shipped by Hoyle & Helms, Thomaston, * * * Georgia." The product was in half-bushel baskets most of which were further labeled "1 U. S. Standard Bushel", all baskets, however, bore basket markers' stamp "510 U. S. $\frac{1}{2}$ Bu." On the lids of the baskets appeared the statement, "Early Rose, $1\frac{1}{8}$ Minimum U. S. No. 1 [or "Early Rose Minimum 2, U. S. No. 1" or "Red Bird U. S. $2\frac{1}{4}$ "]."

It was alleged in the libel that the article was adulterated in that peaches below the grade indicated on the labels had been substituted for the article.

Misbranding was alleged for the reason that the statements on the labels, " $1\frac{1}{8}$ Minimum", "Minimum 2", and " $2\frac{1}{4}$ ", "Fancy Georgia Peaches", and the statements on certain of the baskets, "1 U. S. Standard Bushel", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On August 12, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed. On August 21, 1933, the decree was modified to permit the marshal to deliver all portions of the peaches found in good condition to the veterans' hospital.

M. L. WILSON, *Acting Secretary of Agriculture.*

21386. Adulteration of tullibeas. U. S. v. 126 Boxes and 69 Boxes of Tullibeas. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29697, 29698. Sample nos. 26425-A, 26426-A.)

These cases involved shipments of tullibeas which were found to be infested with worms.

On December 30, 1932, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 195 boxes of tullibeas at Baltimore, Md., alleging that the article had been shipped in interstate commerce, in part on or about October 15, 1932, and in part on or about November 13, 1932, by Booth Fisheries Co., from Warroad, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy animal substance, and that it consisted of portions of animals unfit for food.

On August 3, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21387. Adulteration of apples. U. S. v. Pacific Fruit & Produce Co. Plea of guilty. Fine, \$50. (F. & D. no. 29484. Sample no. 24249.)

This action was based on a shipment of apples which were found to contain arsenic and lead in amounts which might have rendered them injurious to health.

On April 18, 1933, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Pacific Fruit & Produce Co., a corporation, Wenatchee, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 31, 1931, from the State of Washington into the State of Texas, of a quantity of apples which were adulterated. The article was labeled in part: (Boxes) "Snoboy Brand Wenatchee Apples * * * Distributed by Pacific Fruit & Produce Company, Home Office, Seattle, Wash."

It was alleged in the information that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, which might have rendered it injurious to health.

On September 5, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

21388. Misbranding of grapes. U. S. v. Milton P. Olson (O. G. Olson Co.). Plea of nolo contendere. Fine, \$10. (F. & D. no. 30139. I.S. no. 39214.)

This case was based on an interstate shipment of grapes which were found to be short weight.

On May 16, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Milton P. Olson, a member of a copartnership trading as O. G. Olson Co., Turlock, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about October 18, 1931, from the State of California to Chicago, Ill., of a quantity of Carignane grapes which were misbranded. The shipment was diverted from Chicago, Ill., to Uniontown, Pa. The article was labeled in part: (Lugs) "Bungalow Brand Products Nt. Wt. 24 lbs. O. G. Olson Co. Growers and Shippers * * * Turlock, Calif."

It was alleged in the information that the article was misbranded in that the statement "Nt. Wt. 24 lbs." was false and misleading, and for the reason that the article was labeled so as to deceive and mislead the purchaser, since the lugs contained less than 24 pounds. Misbranding was alleged for the

further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On September 11, 1933, the defendant entered a plea of *nolo contendere*, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

21389. Adulteration of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.
(F. & D. no. 31202. Sample no. 40347-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On or about September 20, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 14, 1933, by Ashley Creamery Co., from Ashley, N.Dak., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing not less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On September 20, 1933, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a good and sufficient bond conditioned in part that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21390. Adulteration of butter. U. S. v. 7 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.
(F. & D. no. 30962. Sample no. 40712-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On July 13, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 6, 1933, by C. A. Bulgrin, from Somerset, Wis., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On July 24, 1933, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21391. Adulteration of butter. U. S. v. 23 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.
(F. & D. no. 30963. Sample no. 40720-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On or about July 18, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 11, 1933, by McAllister Bros., Marceline, Mo., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article. Adulteration was alleged for the further reason that the article contained less than 80 percent of butterfat.

Misbranding of the article was alleged for the reason that it had been sold, shipped, and labeled as "butter", which was false and misleading in that said article contained less than 80 percent of milk fat.

On July 24, 1933, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21392. Adulteration of butter. U. S. v. 18 Tubs and 10 Tubs of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. nos. 30986, 31103. Sample nos. 40310-A, 40338-A.)

These cases involved shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On or about August 7, 1933, and August 23, 1933, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 28 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce, in part on or about July 26, 1933, and in part on or about August 9, 1933, by Durant Ice Cream & Creamery Co., from Durant, Okla., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On August 7 and September 20, 1933, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of good and sufficient bonds, conditioned in part that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21393. Adulteration of butter. U. S. v. 13 Tubs and 18 Tubs of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. nos. 30961, 30964. Sample nos. 40286-A, 40742-A.)

These cases involved shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On July 22 and July 29, 1933, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 31 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce in part on or about July 16, 1933, and in part on or about July 20, 1933, by Sioux Valley Cooperative Creamery, from Lake Park, Iowa, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On July 24 and August 7, 1933, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of good and sufficient bonds, conditioned in part that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21394. Adulteration and misbranding of butter. U. S. v. 9 Cartons and 29 Cartons of Butter. Consent decree of condemnation. Product released under bond. (F. & D. no. 30830. Sample nos. 29520-A, 29522-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On July 12, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 38 cartons of butter at Riverside, Calif., alleging that the article had been shipped in interstate commerce on or about July 8, 1933, by Delta Valley Creamery Co., from Delta, Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part (Carton) "Butter." A portion of the article was in quarter-pound prints, unlabeled.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement "Butter" appearing on the label was false and misleading, since the product contained less than 80 percent of milk fat. Misbranding was alleged with respect to the quarter-pound prints for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 16, 1933, Whitehead Bros., Inc., Riverside, Calif., claimants, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant to be brought into conformity with the law upon payment of costs and the execution of a bond in the sum of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

21395. Adulteration of apple pomace. U. S. v. 700 Bags and 35,000 Pounds of Apple Pomace. Decree of condemnation entered. Product released under bond. (F. & D. no. 30093. Sample no. 20197-A.)

This case involved a shipment of apple pomace, which contained arsenic and lead in amounts which might have rendered the article injurious to health.

On April 14, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 700 bags and 35,000 pounds of apple pomace at Anaheim, Calif., alleging that the article had been shipped in interstate commerce, in part on or about November 10, 1932, and in part on or about December 22, 1932, by the Olympia Canning Co., from Olympia, Wash., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On August 1, 1933, the Mutual Citrus Products Co., Anaheim, Calif., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned that it be brought into conformity with the law under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21396. Misbranding of butter. U. S. v. 43 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30727. Sample no. 43260-A.)

Sample cartons of butter taken from the shipment involved in this case were found to contain less than 1 pound, the declared weight.

On June 27, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 43 cases of butter at Hackensack, N.J., alleging that the article had been transported in interstate commerce, on or about June 6, 1933, from the premises of Armour Creameries, Fargo, N.Dak., to the premises of Armour & Co., Hackensack, N.J., and charging misbranding

in violation of the Food and Drugs Act as amended. The article was labeled in part: "Armour's Cloverbloom Full Cream Butter * * * 1 Lb. Net Weight."

It was alleged in the libel that the article was misbranded in that the statement on the label, "1 Lb. Net Weight", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement of weight was incorrect.

On July 28, 1933, Armour & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act, and all other laws. The article was reprinted in full 1-pound prints.

M. L. WILSON, *Acting Secretary of Agriculture.*

21397. Adulteration of cauliflower. U. S. v. A Quantity of Cauliflower. Default decree of destruction. (F. & D. no. 30911. Sample no. 42649-A.)

This case involved a quantity of cauliflower which was found to bear arsenic in an amount which might have rendered it injurious to health.

On July 28, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of a quantity of cauliflower at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce, on or about July 20, 1933, by the Western Vegetable Distributors, from Denver, Colo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Rosa Del Rancho [Rose of the Ranch] Brand Colorado Cauliflower, Western Vegetable Distributors, * * * Denver, Colo."

It was alleged in the libel that the article was adulterated in that it contained arsenic, an added poisonous or deleterious ingredient, which might have rendered it injurious to health.

On September 25, 1933, no claimant having appeared for the property, judgment was entered nunc pro tunc as of July 29, 1933, ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21398. Misbranding of canned salmon. U. S. v. 57 Cases, et al., of Canned Salmon. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 30800. Sample nos. 22259-A, 22260-A.)

This case involved quantities of canned salmon which was labeled to convey the impression that it was red salmon, and which was in fact coho or medium red salmon.

On August 1, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 136 cases of canned salmon at St. Paul, Minn., alleging that the article had been shipped in interstate commerce by the Kelley-Clarke Co., from Seattle, Wash., in part on or about January 11, 1933, and in part on or about March 20, 1933, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Serv-Well brand selected medium Red Salmon * * * Distributed by Twin City Wholesale Grocer Co., St. Paul and Minneapolis, Minn." The words "Red Salmon" were emphasized and the word "medium" was in smaller, less conspicuous type.

It was alleged in the libel that the article was misbranded in that the emphasized statement "Red Salmon", borne on the label, was false and misleading and deceived and misled the purchaser.

On September 11, 1933, the respondent and claimant having admitted the material allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$150, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21399. Adulteration and misbranding of salad oil. U. S. v. Korbros Oil Corporation. Plea of guilty. Fine of \$100 imposed on first count. Sentence suspended on remaining counts. (F. & D. no. 30149. Sample nos. 10245-A, 10301-A. I.S. nos. 38659 to 38661, incl.)

This case was based on several shipments of salad oil labeled to convey the impression that it was olive oil of foreign origin, and which was found to consist essentially of cottonseed oil containing, in certain of the brands, a small quantity of olive oil. Examination further disclosed shortages in volume in all lots but one. The case also covered a shipment of short volume vegetable oil.

On June 22, 1933, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Korbros Oil Corporation, Brooklyn, N.Y., alleging shipment by said company, in violation of the Food and Drugs Act as amended, in part on or about February 1, 1932, and in part on or about February 26, 1932, from the State of New York into the State of New Jersey, of quantities of salad oil which was misbranded, and portions of which also were adulterated. The article was labeled in part, variously: "La Bella Di Sorrento Brand Vegetable Oil Flavored with Pure Olive Oil One Gallon Net [Design of olive branches and an Italian scene]"; "Olive Oil Distributed by I. Nuccio Orazi and Curiazi Olive Oil Co., Net Contents One Gallon Compound * * * Orazi and Curiazi Brand A Compound Olive Oil Vegetable Oil (Olio d'Olive E Olio Vegetale) [designs of olive trees and Italian scene]"; "Olio Marca Korbros Olio Vegetale * * * Contents 1 U.S. Gallon."; "Contents One Gallon Olio Sicilia Brand"; "Lucca Brand Extra Fine Quality Salad Oil Net Contents 1 Gallon [design of olive branches and fruit]."

It was alleged in the information that the "La Bella Di Sorrento" and the "Orazi and Curiazi" brands of oil were adulterated in that a product composed in very large part of oil other than olive oil and which contained little, if any, olive oil, had been substituted for olive oil, or "Olio d'Olive", which the article purported to be.

Misbranding of the said brands was alleged for the reason that the statements, "Olive Oil" together with the designs and devices of olive branches, an Italian lady, and Italian city, in the cases of the "La Bella Di Sorrento" brand, and the statements, "Olive Oil and Olio d'Olive" together with devices of an Italian castle, olive trees, and the legendary wolf of Rome, in the case of the "Orazi and Curiazi" brand, were false and misleading, and for the further reason that the article was so labeled as to deceive and mislead the purchaser, since the said statements and designs represented that the article was olive oil, produced in Italy, whereas it was a domestic product composed in very large part of oil other than olive oil; for the further reason that the article purported to be a foreign product, when not so; and for the further reason that it was an imitation of, and was offered for sale and sold under the distinct name of another article, to wit, olive oil. Misbranding of the "Sicilia" and "Lucca" brands was alleged for the reason that the statements on the label, "Olio Sicilia", "Quest' Olio Garantito Ottimo Per Use Tavola E Cucina", in the case of the "Sicilia" brand, and the statement "Lucca", together with the design and device of olive branches bearing fruit, in the case of the "Lucca" brand, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since they represented that the article was a foreign product, to wit, an olive oil produced in Sicily or Lucca, Italy, whereas it was a domestic product, to wit, an article other than olive oil produced in the United States; and for the further reason that the article purported to be a foreign product when not so. Misbranding was alleged with respect to the "La Bella Di Sorrento", the "Orazi and Curiazi", the "Sicilia", and the "Korbros Vegetable Oil" for the reason that the statements on the labels, "One Gallon Net", "Net Contents One Gallon", "Contents 1 U.S. Gallon", and "Contents One Gallon", borne on the labels, were false and misleading and deceived and misled the purchaser, since the cans contained less than 1 gallon; and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 25, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 on the first count of the information. Sentence was suspended on the remaining counts.

M. L. WILSON, *Acting Secretary of Agriculture.*

21400. Misbranding of salad oil. U. S. v. 25 Cans of Salad Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30879. Sample no. 50050-A.)

This case involved an interstate shipment of salad oil which was short volume.

On August 10, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cans of salad oil at Allentown, Pa., alleging that the article had been shipped in interstate commerce on or about March 13, 1933, by the Ragus Packing Co., from Long Island City, N.Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Net Contents One Gallon Salco Salad Oil Full Measure * * * Ragus Packing Corporation, Long Island City, N.Y."

It was alleged in the libel that the article was misbranded in that the statements on the label, "Net Contents One Gallon * * * Full Measure", were false and misleading and deceived and misled the purchaser, and for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously declared on the outside of the package, since the statement made was incorrect.

On September 5, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21401. Adulteration of butter. U. S. v. 15 Cubes and 12 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30985. Sample no. 30892-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On August 2, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about July 27, 1933, by the West Coast Produce, from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On August 12, 1933, the Fox River Butter Co., Inc., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21402. Adulteration of vinegar. U. S. v. 1 Tank Car (7,200 Gallons) of Cider Vinegar. Default decree of destruction. (F. & D. no. 30436. Sample no. 22089-A.)

This case involved a shipment of vinegar which contained arsenic in an amount which might have rendered the article injurious to health.

On April 17, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1 tank car containing approximately 7,200 gallons of cider vinegar at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about April 6, 1933, by the Speas Manufacturing Co., from Yakima, Wash., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained arsenic, an added poisonous or deleterious ingredient, which rendered it injurious to health.

On June 3, 1933, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21403. Adulteration of butter. U. S. v. 101 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30997. Sample no. 43274-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On August 14, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 101 tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about August 3, 1933, by the Linn County Farmers Mutual Creamery Association, for the Farmers Mutual Creamery Co., Central City, Iowa, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

On August 23, 1933, the Farmers Mutual Cooperative Creamery, Central City, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,800, conditioned that it be reworked so that it contain at least 80 percent of butterfat.

M. L. WILSON, *Acting Secretary of Agriculture.*

21404. Misbranding and alleged adulteration of butter. U. S. v. 10 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31204. Sample no. 44615-A.)

Sample cartons of butter taken from the shipment involved in this case were found to contain less than 1 pound, the labeled weight, samples also were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On August 9, 1933, the United States attorney for the District of Hawaii, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of butter at Honolulu, Hawaii, consigned by Armour & Co., alleging that the article had been shipped in interstate commerce, on August 1, 1933, from San Francisco, Calif., to Hawaii, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "One Pound Net Weight Armour's Clover Bloom Full Cream Butter Distributed by Armour Creameries * * * Chicago."

It was alleged in the libel that the article was adulterated and misbranded as follows: It contained less than 80 percent by weight of milk fat; a substance had been mixed and packed with it so as to reduce and lower its quality and strength; it was labeled, "Full Cream Pasteurized Butter One Pound Net Weight", which was false and misleading and deceived and misled the purchaser; and the quantity of contents was not plainly and conspicuously marked on the outside of the package.

On August 9, 1933, Armour & Co. having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered. The claimant having paid costs of the proceedings and filed a certified check in the amount of \$140, conditioned that the product should not be disposed of in violation of the law, an order was entered by the court providing that the butter be released to the claimant to be reshipped to San Francisco, Calif., to be repacked.

M. L. WILSON, *Acting Secretary of Agriculture.*

21405. Adulteration of blueberries. U. S. v. 5 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30966. Sample no. 46951-A.)

This case involved an interstate shipment of blueberries which were found to contain maggots.

On August 9, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five crates of blueberries at Boston, Mass., consigned August 9, 1933, alleging that the article had

been shipped in interstate commerce by F. L. Whitney, from Surry, Maine, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 18, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21406. Adulteration of blueberries. U. S. v. 40 Crates, et al., of Blueberries. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31105, 31106, 31107, 31119, 31120, 31121, 31138, 31141, 31172. Sample nos. 42515-A, 42518-A, 43277-A, 43278-A, 43281-A, 43656-A, 43657-A, 43658-A, 45972-A.)

These cases involved interstate shipments of blueberries which were found to be infested with maggots.

On September 1 and September 5, 1933, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 289 crates of blueberries at New York, N.Y. On September 1 and September 2, 1933, libels were filed in the Northern District of Ohio against 15 crates of blueberries at Cleveland, Ohio, and on September 8, 1933, a libel was filed in the Northern District of Illinois against 19 cases of blueberries at Chicago, Ill. It was alleged in the libels that the article had been shipped in interstate commerce by W. C. Robinson, from Harrington, Maine, between the dates of August 29 and August 31, 1933, and that it was adulterated in violation of the Food and Drugs Act.

The libels filed in the Southern District of New York and the Northern District of Ohio charged that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance. Adulteration was alleged in the libel filed in the Northern District of Illinois for the reason that the article consisted in whole or in part of a filthy animal substance.

On September 15, September 28, October 9, and October 13, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21407. Adulteration of canned salmon. U. S. v. 1,321 Cases, et al., of Canned Salmon. Decrees of condemnation and forfeiture. Product released under bond for separation and destruction of decomposed portion. (F. & D. nos. 29050, 29098, 29310. Sample nos. 13317-A, 13325-A, 16151-A, 16160-A.)

These cases involved several shipments of canned salmon identified by various code marks. Samples taken from certain codes in each shipment were found to be in part decomposed.

On October 17 and October 21, 1932, the United States attorney for the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,815 cases of canned salmon at Houston, Tex. On November 19, 1933, the United States attorney for the District of Kansas, filed a libel against 797 cases of canned salmon at Wichita, Kans. It was alleged in the libels that the article had been shipped in interstate commerce, in various shipments on or about August 24, September 2, and September 6, 1932, by Libby, McNeill & Libby, from Seattle, Wash., into the States of Texas and Kansas and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Happy Vale Brand Pink Salmon."

The libels charged that the article was adulterated in that it consisted in part of a decomposed animal substance.

On September 19 and September 26, 1933, the Copper River Packing Co., having appeared as claimant for the property and having admitted the material allegations of the libels, judgments of condemnation and forfeiture were entered. The court having found that portions of the product were not adulterated, the decrees provided that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$6,500, conditioned that the cans containing decomposed salmon be segregated and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21408. Adulteration of crab meat. U. S. v. 4 Barrels, and 1 Barrel of Crab Meat. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30764, 30891. Sample nos. 26667-A, 37928-A.)

These cases involved interstate shipments of crab meat which was found to contain filth.

On July 21 and August 10, 1933, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, libels praying seizure and condemnation of five barrels containing six hundred and five 1-pound cans of crab meat at Washington, D.C., alleging that the article had been shipped in interstate commerce on or about July 18 and August 7, 1933, by V. S. Lankford & Co., from Hampton, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On October 18, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21409. Adulteration of crab meat. U. S. v. 2 Barrels, et al., of Crab Meat. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30691, 30804, 30821. Sample nos. 37799-A, 37909-A, 37916-A.)

These cases involved interstate shipments of crab meat which was found to contain filth.

On July 1, July 31, and August 3, 1933, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, libels praying seizure and condemnation of three barrels and forty 1-pound cans of crab meat at Washington, D.C., alleging that the article had been shipped in interstate commerce on or about June 29, July 27, and July 31, 1933, by McMenamin & Co., Inc., from Hampton, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On October 18, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21410. Adulteration of blueberries. U. S. v. 11 Crates and 24 Crates of Blueberries. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31136, 31140. Sample nos. 42511-A, 42517-A.)

On August 31 and September 1, 1933, the United States attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 35 crates of blueberries at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about August 29 and August 30, 1933, by Kostick Bros., acting for the Spring Mountain Blueberry Association of Beaver Meadow, Pa., from Hazleton, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed vegetable substance.

On October 13, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21411. Adulteration of blueberries. U. S. v. 23 Baskets and 4 Crates of Blueberries. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30863, 31137. Sample nos. 42512-A, 57393-A.)

These cases involved interstate shipments of blueberries which were found to contain maggots.

On August 7, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 baskets of blue-

berries at Buffalo, N.Y. On August 31, 1933, a libel was filed in the Northern District of Ohio against four crates of blueberries at Cleveland, Ohio. It was alleged in the libels that the article had been shipped in interstate commerce on or about July 29 and August 29, 1933, by Peter M. Fludovich, from Centralia, Pa., and that it was adulterated in violation of the Food and Drugs Act.

The libels charged that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On October 13 and October 20, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21412. Adulteration of canned oysters. U. S. v. 1,000 Cases and 400 Cases of Canned Oysters. Decomposed portion ordered destroyed. Remainder released to claimant. (F. & D. nos. 30509, 30592. Sample nos. 36699-A, 57404-A.)

These cases involved quantities of canned oysters which were found to be in part decomposed.

On May 24 and June 16, 1933, the United States attorney for the Western District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,400 cases of canned oysters at Kansas City, Mo., alleging that the article had been shipped in interstate commerce, on or about April 17, 1933, by the Berwick Bay Canneries, Inc., Berwick, La., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed animal substance.

The Berwick Bay Canneries, Inc., appeared as claimant in both cases. On July 8, 1933, the court ordered that the product be delivered to the claimant in order that those portions which appeared to be in a perfect state of canning be segregated and separated from those in bad condition, and held for further orders of the court. On August 5, 1933, the portions which had been sorted out as decomposed were ordered destroyed. On August 29, 1933, the court ordered that the remainder of the product be further examined under the supervision of this Department and that all portions found to be in good condition be released and those found unfit for food disposed of in accordance with the law.

M. L. WILSON, *Acting Secretary of Agriculture.*

21413. Adulteration of butter. U. S. v. 46 Tubs and 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. nos. 31068, 31069. Sample nos. 40305-A, 40319-A.)

These cases involved shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On August 9 and August 12, 1933, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 57 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce, in part on or about July 29, 1933, and in part on or about August 5, 1933, by Ravenwood Cooperative Creamery Co., from Ravenwood, Mo., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On August 15, 1933, the cases having been consolidated into one cause of action and Coyne & Nevins Co., Inc., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21414. Adulteration of huckleberries. U. S. v. 50 Baskets of Huckleberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31159. Sample no. 50252-A.)

On September 11, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 baskets of huckleberries at Cincinnati, Ohio, consigned by H. E. Roudabush, Shenandoah, Va., on or about August 9, 1933, alleging that the article had been shipped in interstate commerce from Shenandoah, Va., into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "H. E. Roudabush, Shenandoah, Va."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On October 17, 1933, no claimant having appeared for the property, judgment was entered nunc pro tunc as of September 18, 1933, ordering that the product be condemned and destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21415. Adulteration of strawberry preserves. U. S. v. 780 Cases of Strawberry Preserves. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29906. Sample nos. 22729-A, 31067-A.)

This case involved a shipment of strawberry preserves, samples of which were found to contain moldy berries.

On March 6, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 780 cases of strawberry preserves at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about February 3, 1933, by the Pacific Food Products Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sunny Jim Brand * * * Strawberry Preserves Mfd. by Pacific Food Products Co., Seattle, Washington."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On June 21, 1933, the Pacific Food Products Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,300, conditioned in part that it be brought into conformity with the law by segregating the decomposed portion.

M. L. WILSON, *Acting Secretary of Agriculture.*

21416. Adulteration of blueberries. U. S. v. 32 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30977. Sample no. 47092-A.)

This case involved an interstate shipment of blueberries which were found to contain maggots.

On August 11, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 crates of blueberries at Boston, Mass., consigned August 10, 1933, alleging that the article had been shipped in interstate commerce by C. Gomes, from Gray, Maine, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 23, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21417. Adulteration of walnuts. U. S. v. 53 Sacks of Walnuts. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 29695. Sample no. 33047-A.)

This case involved a shipment of walnuts which were in part wormy, rancid, and moldy.

On December 29, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in

the district court a libel praying seizure and condemnation of 53 sacks of walnuts at New Orleans, La., alleging that the article had been shipped in interstate commerce, on or about October 26, 1932, by the Whittier Packing Co., from Whittier, Calif., to Jackson, Miss., that it had been reshipped November 14, 1932, from Jackson, Miss., to New Orleans, La., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Quaker Brand Large Budded 1932 Crop California Walnuts, Whittier Packing Co., Whittier, California."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On August 4, 1933, Louis Groobman, trading as the Whittier Walnut Packing Co., Whittier, Calif., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it be brought into compliance with the Food and Drugs Act, under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21418. Adulteration and misbranding of fountain sirups and crushed strawberries. U. S. v. Allied Fruit & Extract Co., Inc. Plea of guilty. Fine, \$50. (F. & D. no. 28119. I.S. nos. 16262, 16264, 29427, 29428, 29429.)

This case was based on interstate shipments of cherry-flavored sirup and wild-cherry-flavored sirup, which were artificially colored and flavored and contained benzaldehyde and added acid; of raspberry- and loganberry-flavored sirups which were artificially colored and contained added acid; and of crushed strawberries which were represented to consist of fruit and sugar, and which were found to contain glucose.

On July 25, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Allied Fruit & Extract Co., Inc., New York, N.Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 24, 1931, from the State of New York into the State of Pennsylvania, and on or about April 25, 1931, from the State of New York into the State of Maryland, of quantities of fountain sirups and crushed strawberries which were adulterated and misbranded. The articles were labeled in part, variously: "Concentrated Fountain Syrup Cherry Contains Added Color, Imitation Flavor Chicago"; "Concentrated Fountain Syrup, Raspberry"; "Loganberry Syrup Concentrated"; "Dainty-Maid Strawberries Composed of Fruit and Sugar, Freed From Excess Syrup Contains Added Color * * * Allied Fruit & Extract Company, Incorporated, New York, N.Y.;" "Dainty-Maid Concentrated Wild Cherry Syrup * * * Allied Fruit & Extract Co. New York, N.Y."

It was alleged in the information that the cherry and wild cherry sirups were adulterated in that artificially colored and flavored products containing benzaldehyde and undeclared added acid had been substituted for concentrated fountain cherry sirup and wild cherry sirup, which the articles purported to be. Adulteration of the raspberry and loganberry sirups was alleged for the reason that artificially colored products which contained undeclared added acid had been substituted for concentrated fountain sirup raspberry and loganberry sirup concentrated, which the articles purported to be. Adulteration of the crushed strawberries was alleged for the reason that a product which contained undeclared commercial glucose had been substituted for a product made from strawberries, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Concentrated Fountain Syrup Cherry", "Concentrated Wild Cherry Syrup", "Concentrated Fountain Syrup Raspberry", "Loganberry Syrup Concentrated", and "Strawberries Composed of Fruit and Sugar", borne on the labels, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser.

On August 14, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 on each of the 10 counts of the information and ordered that sentence be suspended as to all counts but count 1.

M. L. WILSON, *Acting Secretary of Agriculture.*

21419. Adulteration of blueberries. U. S. v. 10 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30992. Sample no. 47097-A.)

This case involved an interstate shipment of blueberries which were found to contain maggots.

On August 15, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 crates of blueberries at Boston, Mass., consigned August 13, 1933, alleging that the article had been shipped in interstate commerce by A. Jaakkola, from Machias, Maine, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 23, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21420. Adulteration of blueberries. U. S. v. 13 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31142. Sample no. 51203-A.)

This case involved an interstate shipment of blueberries which were found to contain maggots.

On September 11, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 crates of blueberries at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about September 7, 1933, by Lewis Wright, from Calais, Maine, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On October 4, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21421. Adulteration and misbranding of butter. U. S. v. 6 Cubes of Butter. Decree of condemnation. Product released under bond. (F. & D. no. 30995. Sample no. 29710-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent of milk fat, the standard for butter established by Congress.

On July 24, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six cubes of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about July 17, 1933, by Calder Bros., from Vernal, Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "From Calder Bros. Creamery Co.

* * * Calder's Sweet Cream Butter."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the article was labeled "Butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On August 3, 1933, H. J. Thorne, having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$125, conditioned that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21422. Adulteration of blueberries. U. S. v. 124 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30991. Sample no. 47093-A.)

This case involved an interstate shipment of blueberries which were found to contain maggots.

On August 14, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 124 crates of blueberries at Boston, Mass., consigned August 14, 1933, alleging that the article had been shipped in interstate commerce by Griggs-Turner Co., from Portland, Maine, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 23, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21423. Adulteration and misbranding of butter. U. S. v. 27 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30918. Sample no. 48731-A.)

This case involved a shipment of butter, samples of which contained less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On or about July 18, 1933, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 boxes of butter at Spokane, Wash., alleging that the article had been shipped in interstate commerce, on or about July 8, 1933, by the Pend d'Oreille Co., from Plains, Mont., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Fancy Creamery Butter."

It was alleged in the libel that the article was adulterated in that it was deficient in butterfat, and was below the standard required by law.

Misbranding was alleged for the reason that the statement "Butter", borne on the label, was false and misleading and deceived and misled the purchaser.

On July 21, 1933, the Pend d'Oreille Creamery Co., Plains, Mont., having appeared as claimant and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

21424. Misbranding of olive oil. U. S. v. 51 Cases, et al., of Olive Oil. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. nos. 30572, 30573, 30576, 30711. Sample nos. 32019-A, 43145-A, 43146-A, 43193-A, 43194-A.)

These cases involved interstate shipments of olive oil which was short volume.

On June 9, 1933, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 51 cases and 135 gallons of olive oil at Brooklyn, N.Y. On or about June 9, 1933, a libel was filed in the District of Connecticut against 210 gallon cans of olive oil at Stamford, Conn., and on July 13, 1933, a libel was filed in the Eastern District of New York against 250 cases of olive oil at Brooklyn, N.Y. It was alleged in the libels that the article had been shipped in interstate commerce between May 4, 1933, and June 8, 1933, by the Riverbank Canning Co., Riverbank, Calif.; that the product at Brooklyn, N.Y., had been shipped from Riverbank, Calif., into the State of New York; and that the product at Stamford, Conn., had been shipped into the State of Connecticut from New York, N.Y., and that it was misbranded in violation of the Food and Drugs Act as amended.

The declaration of volume appeared on the cans variously as follows: "Net Contents One Gallon"; "Net Contents Five Gallons"; "5 Gal." The cases

containing the 5-gallon cans were labeled: "Contents 2 Five Gallon Cans" or "Contains 2-5 Gal. Cans." Most of the lots were further labeled on the cans or cases: "Madonna Brand Pure Olive Oil, Packed by Riverbank Canning Co. Riverbank, Calif."

It was alleged in the libels that the article was misbranded in that the statements on the cases and cans, "Net Contents One Gallon" "Net Contents Five Gallons", "Contains 2-5 Gal. Cans Pure Olive Oil", and "5 Gal.", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the cans contained less than declared.

Lorenzo Zerillo, trading as the Riverbank Canning Co., and Samuel A. Stone, of New York, N.Y., appeared as claimants for respective portions of the property, admitted the allegations of the libels, and consented to the entry of decrees. On July 6, July 25, and September 14, 1933, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimants upon payment of costs and the execution of good and sufficient bonds, conditioned that the alleged gallon cans be emptied into vats or drums and that the alleged 5-gallon cans be filled to the full 5 gallons.

M. L. WILSON, *Acting Secretary of Agriculture.*

21425. Adulteration of crab meat. U. S. v. Thirty-seven 1-pound Cans and Twenty-seven 1-pound Cans of Crab Meat. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30853, 31075. Sample nos. 48489-A, 55440-A.)

These cases involved interstate shipments of crab meat which was found to contain filth.

On July 19 and August 18, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of sixty-four 1-pound cans of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 18 and August 16, 1933, by A. B. Harris, from Oxford, Md., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted of a filthy animal substance.

On August 7 and September 13, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21426. Adulteration of apple pomace. U. S. v. 400 Bags of Apple Pomace. Default decree of forfeiture and destruction. (F. & D. no. 30618. Sample no. 39676-A.)

This case involved a shipment of apple pomace which was found to contain lead in an amount which might have rendered it injurious to health.

On June 19, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 400 bags of apple pomace at Boston, Mass., alleging that the article had been shipped in interstate commerce, on or about March 10, 1933, by S. R. Deyo Co., from Kingston, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it harmful to health.

On August 21, 1933, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21427. Adulteration of noodles. U. S. v. Joseph Sunn and James Loo (Majesty Paste Co.). Pleas of guilty. Fines, \$40. (F. & D. no. 30126. Sample no. 232-A.)

This case was based on an interstate shipment of a product which had been artificially colored in a manner simulating the appearance of egg noodles, and which was found to contain little, if any, egg solids.

On July 7, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Joseph Sunn and James Loo, members of a copartnership, trading as Majesty Paste Co., San Francisco, Calif., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about May 13, 1932, from the State of California into the State of Washington, of a quantity of noodles which were adulterated. The article was labeled in part: (Individual package) "Plain Noodles."

It was alleged in the information that the article was adulterated in that a product containing an artificial coloring substance, tartrazine, simulating the color of egg noodles and containing but a negligible amount of egg solids, if any, had been substituted for egg noodles, which the article purported to be. Adulteration was alleged for the further reason that the article had been colored with an artificial coloring in a manner whereby its inferiority to egg noodles was concealed.

On August 5, 1933, the defendants entered pleas of guilty to the information, and were each fined \$20.

M. L. WILSON, *Acting Secretary of Agriculture.*

21428. Adulteration of blueberries. U. S. v. 12 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31117. Sample no. 47070-A.)

This case involved an interstate shipment of blueberries which were found to contain maggots.

On August 1, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 crates of blueberries at Boston, Mass., consigned August 1, 1933, alleging that the article had been shipped in interstate commerce by A. P. Varney, from Alton, N.H., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 23, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21429. Adulteration of blueberries. U. S. v. 6 Crates of Blueberries. Default decree of forfeiture and destruction. (F. & D. no. 30972. Sample no. 47083-A.)

This case involved an interstate shipment of blueberries which were found to contain maggots.

On August 8, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six crates of blueberries at Boston, Mass., consigned August 7, 1933, from Bucksport, Maine, alleging that the article had been shipped in interstate commerce by O. N. Merrill, of Ellsworth, Maine, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 18, 1933, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21430. Adulteration of butter. U. S. v. 8 Cubes of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. no. 30833. Sample no. 38575-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On July 13, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight cubes of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about June 29, 1933, by the Alliance Creamery Co., from Alliance, Nebr., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On August 3, 1933, Alliance Creamery Co., Alliance, Nebr., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant to be reworked under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$500.

M. L. WILSON, *Acting Secretary of Agriculture.*

21431. Adulteration of dried apple pomace. U. S. v. 100 Bags of Dried Apple Pomace. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30689. Sample no. 41215-A.)

This action involved a shipment of dried apple pomace which was found to contain arsenic and lead in amounts which might have rendered it harmful to health.

On July 3, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 bags of dried apple pomace at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about March 25, 1932, by Watson Industries, Inc., from Valley City, Ill, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, lead and arsenic, which might have rendered the product harmful to health.

On August 31, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21432. Adulteration of blueberries. U. S. v. 12 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30866. Sample no. 57395-A.)

This case involved an interstate shipment of blueberries which were found to be infested with maggots.

On August 7, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 crates of blueberries at Buffalo, N.Y., alleging that the article had been shipped in interstate commerce on or about August 4, 1933, by Charles Druian, from Hazelton, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On September 20, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21433. Adulteration of crab meat. U. S. v. Twenty-two 1-pound Cans of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31074. Sample no. 55382-A.)

This case involved an interstate shipment of crab meat which was found to contain filth.

On August 18, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of twenty-two 1-pound cans of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 15, 1933, by W. C. Larimore, from St. Michaels, Md., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On September 5, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21434. Adulteration of beer. U. S. v. 4,998 Cartons of Bottled Beer. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30735. Sample no. 37288-A.)

This case involved a shipment of bottled beer which was found to be sour.

On July 14, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 4,998 cartons of bottled beer at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about May 12, 1933, by the Brooklyn Bottling & Distributing Co., from Brooklyn, N.Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Interbror Beverage Corp. Brooklyn, N.Y."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On August 21, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21435. Adulteration of tomato catsup. U. S. v. 48 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30697. Sample no. 41926-A.)

This case involved a shipment of tomato catsup which contained excessive mold.

On July 5, 1933, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 48 cases of tomato catsup at Twin Falls, Idaho, alleging that the article had been shipped in interstate commerce, on or about November 16, 1931, by the Smith Canning Co., from Clearfield, Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Smith Brand Catsup * * * Packed for Smith Canning Company, Clearfield, Utah."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On August 2, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21436. Adulteration of butter. U. S. v. 176 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30968. Sample no. 47071-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On August 5, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 176 tubs of butter at Somerville, Mass., consigned July 26, 1933, alleging that the article had been shipped in interstate commerce by the Clinton Creamery, Clinton, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On August 18, 1933, the Pipestone Produce Co., Somerville, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned that it be reworked, under the supervision of this Department, so that it contain at least 80 percent of butterfat.

M. L. WILSON, *Acting Secretary of Agriculture.*

21437. Adulteration of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31170. Sample no. 40363-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On or about September 13, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 30, 1933, by the Genoa Cooperative Creamery Co., from Genoa, Wis., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On September 13, 1933, the Genoa Cooperative Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21438. Adulteration and misbranding of cherry, raspberry, peach, and strawberry preserves. U. S. v. 133 Cases of Strawberry, Peach, Cherry, and Red Raspberry Preserves, et al. Default decrees ordering products delivered to charitable institutions, or destroyed. (F. & D. nos. 29889, 29890. Sample nos. 18206-A to 18213-A, incl.)

These cases involved interstate shipments of preserves which contained a higher proportion of sugar and a lower proportion of fruit than prescribed by the United States standards.

On March 14, 1933, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 267 cases of preserves at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about September 13, 1932, by the William Edwards Co., from Cleveland, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: (Jars) "First Prize Brand * * * Pure Strawberry [or "Cherry" or "Peach" or "Red Raspberry"] Preserves."

It was alleged in the libels that the articles were adulterated in that excess sugar had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality and strength; and in that mixtures of fruit and sugar, containing less fruit than preserves, had been substituted for pure preserves.

Misbranding was alleged for the reason that the statement on the label, "Pure Strawberry Preserves", "Pure Peach Preserves", "Pure Cherry Preserves", "Pure Red Raspberry Preserves" and "Pure Raspberry Preserves", were false and misleading and deceived and misled the purchaser when applied to articles consisting of mixtures of fruit and sugar containing less fruit than preserves. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles.

No claims or answers were filed in the cases.

On August 12, 1933, judgments were entered ordering that the products be delivered to charitable institutions, in lieu of destruction, the court having found that though in violation of the Federal Food and Drugs Act, they were not unwholesome.

M. L. WILSON, *Acting Secretary of Agriculture.*

21439. Adulteration and misbranding of grape juice. U. S. v. John E. Rice (John E. Rice Orchards). Plea of nolo contendere. Fine, \$25. (F. & D. no. 28181. I.S. no. 38878.)

This case was based on an interstate shipment of a product labeled to convey the impression that it was grape juice, which contained undeclared added water and sugar. The declaration of the quantity of the contents on the label was not plain and conspicuous.

On May 25, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John E. Rice, trading as the John E. Rice Orchards, Marlboro, Mass., alleging shipment by said defendant in violation

of the Food and Drugs Act as amended, on or about August 15, 1931, from the State of Massachusetts into the State of Rhode Island, of a quantity of grape juice which was adulterated and misbranded. The article was labeled in part: "Rice John E. Rice Orchards [design of bunch of grapes] * * * Made From Pure Fruit [indistinct statement of weight, "Contents 1 Pt."] Concord Grape * * * John E. Rice Orchards, Marlboro, Mass."

It was alleged in the information that the article was adulterated in that undeclared added substances, water and sugar, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in large part for the article.

Misbranding was alleged for the reason that the statements, "Concord Grape, Made From Pure Fruit", together with the design of a bunch of grapes, borne on the label, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, in that the said statement and design represented that the article was pure grape juice made from Concord grapes; whereas it was a mixture of grape juice and added undeclared water and sugar. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, "Concord Grape." Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was scarcely discernible.

On August 18, 1933, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21440. Adulteration of canned salmon. U. S. v. 3,105 Cases, et al., of Canned Salmon. Portion of product ordered released under bond for separation and destruction of decomposed part. Decree of condemnation and forfeiture entered with respect to remainder, with provision for release under bond. (F. & D. nos. 28992, 28999. Sample nos. 25233-A, 25235-A to 25238-A, incl., 25240-A, to 25242-A, incl.)

These cases involved several lots of salmon which was found to be in part decomposed.

On October 3 and October 4, 1932, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 6,575 cases of canned salmon at San Francisco, Calif. On November 16, 1933, an amended libel was filed in place of the original libel of October 4, 1933. It was alleged in the libels that the article had been shipped in interstate commerce by the Red Salmon Canning Co., from Bristol Bay, Alaska; that a part of the product had been shipped on a date uncertain, arriving at San Francisco on or about August 8, 1932; that the remainder had been shipped from Bristol Bay, on or about August 8, 1932; and that the article was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Lucille Brand [or "Jack Frost Brand" or "Rising Light Brand"] Red Alaska Sockeye Salmon Packed by Red Salmon Canning Co., at Bristol Bay, * * * Alaska."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed animal substance.

The Red Salmon Canning Co., Bristol Bay, Alaska, appeared as claimant in both cases. On August 1, 1933, the 4,731 cases of the product covered by the libel filed October 3, 1932, were ordered released to the claimant, upon payment of costs and the execution of a bond in the sum of \$52,041, conditioned that each can be opened, with the exception of so much of the goods as a representative of this Department might authorize released without opening and examination, and that all decomposed salmon be destroyed and that the sound and wholesome portion be re-canned. On October 31, 1933, judgment of condemnation and forfeiture was entered in the remaining case, and the court ordered that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$15,650, conditioned that it would not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

21441. Adulteration and misbranding of butter. U. S. v. 15 Boxes and 25 Boxes of butter. Default decrees of destruction. (F. & D. nos. 30987, 30988. Sample nos. 42839-A, 42841-A.)

These cases involved two lots of butter, the packages or labels of which failed to bear statements of the quantity of the contents. Samples taken from both lots were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On August 2 and August 4, 1933, the United States attorney for the Western District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 25 boxes, each containing thirty 1-pound prints of butter at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about July 31, 1933, by the R-K Creamery, from Atchison, Kans., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained less than 80 percent of butterfat, the standard established by the act of Congress of March 4, 1923.

Misbranding was alleged for the reason that the article failed to bear a plain and conspicuous statement of the net weight.

On September 25, 1933, no claimant having appeared for the property, judgments were entered finding that the allegations of the libels were true, and ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21442. Adulteration of crab meat. U. S. v. 97 Cans, et al., of Crab Meat. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30768, 30769, 30839, 30854, 30923, 30934, 30993. Sample nos. 37590-A, 37594-A, 41857-A, 43437-A, 50051-A, 50052-A, 50115-A, 55360-A.)

These cases involved interstate shipments of crab meat which were found to contain filth.

On July 14, July 22, July 27, and August 11, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 325 cans of crab meat at Philadelphia, Pa. On July 17, 1933, libels were filed in the District of Maryland against 168 cans of crab meat at Baltimore, Md., and on August 3, 1933, a libel was filed against one barrel of crab meat at New York, N.Y. It was alleged in the libels that the article had been shipped in interstate commerce between July 12 and August 9, 1933, by J. H. Fleming & Co., from Portsmouth, Va., and that it was adulterated in violation of the Food and Drugs Act.

The libels charged that the article was adulterated in that it consisted in whole or in part of a filthy, or filthy and decomposed, animal substance.

No claims or answers were filed in the cases. Between August 5 and September 11, 1933, judgments of condemnation and forfeiture were entered in the various cases, and the product was ordered destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21443. Misbranding of salad oil. U. S. v. 52 Cases and 40 Cases of Salad Oil. Consent decrees entered providing for release of product under bond. (F. & D. nos. 30379, 30389. Sample nos. 32204-A, 31996-A.)

These cases involved shipments of salad oil labeled to convey the impression that it contained a large proportion of olive oil, and which was found to consist principally of cottonseed oil, with a small amount of olive oil present.

On May 2 and May 4, 1933, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 92 cases of salad oil, in part at New Haven, Conn., and in part at Waterbury, Conn., alleging that the article had been shipped in interstate commerce, on or about February 24, March 21, and April 21, 1933, by the Wesson Oil & Snowdrift Sales Co., from Bayonne, N.J., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Olivita Brand Olio This can contains a delicious, blended salad oil, composed of eighty-five per cent choice vegetable oil and fifteen per cent pure imported virgin olive oil Olivita Brand * * * Wesson Oil & Snowdrift Sales Co., New York."

It was alleged in the libels that the article was misbranded in that the statement on the label, "Olivita Brand Olio", was false and misleading and

deceived and misled the purchaser, when applied to an oil consisting of a large proportion of cottonseed oil and a small amount of olive oil.

On August 24, 1933, the Wesson Oil & Snowdrift Sales Co., claimant, having admitted the allegations of the libel and having consented to the entry of decrees condemning and forfeiting the product, judgments were entered ordering that the product be released to the claimant upon payment of costs and the execution of bonds in the sum of \$1,000, conditioned that the product be returned to the plant of claimant, removed from the cans, and returned to the general stock, and that the cans be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21444. Misbranding of canned apricots. U. S. v. 14 Cases of Canned Apricots. Decree of condemnation and forfeiture. Product ordered sold unless taken down under bond for relabeling. (F. & D. nos. 30532, 30556. Sample nos. 42027-A, 42040-A.)

This case involved a shipment of a product represented to be solid-pack canned apricots. Examination showed that the article was not solid pack, since it contained water as a packing medium, that it fell below the standard for such canned food established by this Department, and was not labeled to indicate that it was substandard.

On June 19, 1933, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 cases of canned apricots at Cheyenne, Wyo., alleging that the article had been shipped in interstate commerce, on or about April 27, 1933, by the Western States Grocery Co., from Salt Lake City, Utah, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Gateway Brand Solid Pack Pie Apricots * * * Packed by Perry Canning Co., Perry, Utah."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Solid Pack", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, as regards color, uniformity of size, and wholeness, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it was substandard.

On August 14, 1933, no claim having been entered for the property, judgment of condemnation and forfeiture was entered. The decree provided that, upon proof of ownership, the product be delivered to the owner upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it be relabeled in conformity with the Federal Food and Drugs Act, otherwise that it be sold by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21445. Adulteration and misbranding of chewing gum (Fruiti-Chews and Fruit Chews). U. S. v. Philip Silvershein, Simon S. Epstein, and Philip Silvershein, Inc. Pleas of guilty. Fines, \$75. (F. & D. no. 30207. Sample no. 9483-A.)

This case was based on an interstate shipment of a product represented to be fruit-flavored chewing gum. Examination showed that the article contained phenolphthalein, a cathartic drug, which might have rendered it injurious to health; also that it contained no fruit or true fruit flavors.

On July 25, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District court an information against Philip Silvershein and Simon S. Epstein, individuals, and Philip Silvershein, Inc., a corporation, all of New York, N.Y., alleging shipment by said defendants on or about August 6, 1932, under the name of "Epstein", i.e. Simon S. Epstein, of a quantity of chewing gum which was adulterated and misbranded.

A portion of the article was labeled: "National Fruiti-Chews, The National Fruit Chew, scientifically and synthetically blended from choicest foreign and domestic fruit flavors * * * The National Gum Co., Inc., Newark, N.J. [design of various fruits] National Fruiti-Chews. The tang of your favorite fruits." The remainder was labeled: "National * * * Fruit Chews * * * The National Gum Co., Inc., Newark, N.J., U.S.A. Scientifically and synthetically blended from the choicest domestic and foreign fruits."

It was alleged in the information that the article was adulterated under the provisions of the law relating to food, in that it contained an added deleterious ingredient, phenolphthalein, in an amount which might have rendered the article injurious to health. It was further alleged in the information that the article was adulterated under the provisions of the law relating to confectionery, in that it contained phenolphthalein, an ingredient deleterious and detrimental to health.

Misbranding was alleged for the reason that the statements, "Fruit-Chews * * * Fruit Chew * * * blended from choicest foreign and domestic fruit flavors * * * The tang of your favorite fruits", together with designs of various fruits, borne on each of a number of packages containing the article, and the statements, to wit, "Fruit Chews * * * Blended From The Choicest Domestic And Foreign Fruits", borne on the packages containing the remainder, were false and misleading; and for the further reason that the article was labeled so as to deceive and mislead the purchasers, since it contained no fruit substance, it contained no natural flavor derived from fruits, and did not contain the natural tang and flavor derived from fruits.

On September 5, 1933, the defendants entered pleas of guilty to the three counts of the information, and were each sentenced to pay a fine of \$25 on each count. Execution of the sentence was suspended on the second and third counts.

M. L. WILSON, *Acting Secretary of Agriculture.*

21446. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30842. Sample no. 43403-A.)

This case involved an interstate shipment of crab meat which was found to be filthy, examination showing that it contained fecal *B. coli*.

On July 17, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat in tins at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about July 13, 1933, by Riley Creighton, from Fishing Creek, Md., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On August 12, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21447. Adulteration of apple pectin. U. S. v. 3 Barrels of Apple Pectin. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30053. Sample no. 40504-A.)

This case involved a shipment of apple pectin which was found to contain arsenic and lead in amounts which might have rendered it injurious to health.

On April 6, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three barrels of apple pectin at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 30, 1932, by the Mutual Citrus Products Co., Inc., from Anaheim, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Mutual Citrus Products Company, Inc., Anaheim, California, 80 Grade Apple Pectin."

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On August 7, 1933, the White-Stokes Co., Inc., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or disposed of contrary to the provisions of the Food and Drugs Act and other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

21448. Misbranding of butter. U. S. v. 10 2/3 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30729. Sample no. 43263-A.)

This case involved a shipment of butter, sample cartons of which were found to contain less than the declared weight, 1 pound net.

On June 27, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 $\frac{2}{3}$ cases of butter at Hoboken, N.J., alleging that the article had been transported in interstate commerce on or about June 23, 1933, from the premises of Meistrich & Goldenberg, Inc., New York, N.Y., to the premises of the Liberty Dairy Products, Inc., Hoboken, N.J., by truck of R. Brenner, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "B. B. B. Brenner's Better Butter * * * One Pound Net * * * R. Brenner, Hoboken, N.J."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Pound Net", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement of weight was incorrect.

On July 24, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21449. Adulteration of canned shrimp. U. S. v. 291 Cases and 930 Cases of Canned Shrimp. Default decrees of condemnation and forfeiture. Product delivered to fish hatchery for fish food. (F. & D. nos. 29683, 29702. Sample nos. 27385-A, 32919-A.)

These cases involved quantities of canned shrimp which was found to be in part decomposed.

On December 24 and December 30, 1932, the United States attorney for the Western District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,221 cases of canned shrimp at Rochester, N.Y., alleging that the article had been shipped in interstate commerce, on or about October 10, 1932, by C. B. Foster Packing Co., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Miss Lou Brand Shrimp * * * Packed by C. B. Foster Packing Co., Inc., Biloxi, Miss. and Foster's Canal, La."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On August 11, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed. On August 25, 1933, an order was entered modifying the decrees and authorizing the marshal to deliver the shrimp to the fish hatcheries of the United States Bureau of Fisheries, for use as fish food.

M. L. WILSON, *Acting Secretary of Agriculture.*

21450. Adulteration of butter. U. S. v. 34 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31301. Sample no. 40390-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On or about September 28, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 14, 1933, by Farm Mutual Creamery Association, from Orange City, Iowa, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On September 28, 1933, Coyne & Nevins Co., Inc., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21451. Misbranding of canned tomatoes. U. S. v. 27 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture, with provision for release under bond for relabeling. (F. & D. no. 30900. Sample no. 50848-A.)

This case involved a shipment of canned tomatoes in which the cans examined were found to contain less than the weight declared on the label.

On August 17, 1933, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 cases of canned tomatoes at Cheyenne, Wyo., alleging that the article had been shipped in interstate commerce, on or about June 9, 1933, by the Utah Canning Co., from Ogden, Utah, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Yellowstone Brand Hand Packed Tomatoes Contents One Pound Fourteen Oz."

It was alleged in the libel that the article was misbranded in that it was labeled so as to deceive and mislead the purchaser, since the cans contained less than 1 pound 14 ounces, the weight declared on the label. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously stated on the outside of the packages, since the statement made was incorrect.

On August 28, 1933, Paxton & Gallagher Co., Cheyenne, Wyo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to the claimant upon payment of costs and the execution of a bond, conditioned that it be relabeled under the supervision of this Department, otherwise that it be sold by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21452. Adulteration of canned frozen eggs. U. S. v. Kraft-Phenix Cheese Corporation. Plea of guilty. Fine, \$100. (F. & D. no. 29528. I.S. no. 39523.)

This case was based on a shipment of canned frozen eggs, which were found to be in part decomposed.

On June 15, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Kraft-Phenix Cheese Corporation, a corporation trading at Dallas, Tex., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 14, 1931, from the State of Texas into the State of Maryland, of a quantity of canned frozen eggs which were adulterated. The article was labeled in part: (Tag) "Whole Eggs 30 lbs. Net Kraft-Phenix Cheese Corporation * * * Dallas Texas."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid animal substance.

On September 27, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

21453. Adulteration of powdered pectin. U. S. v. 2 Drums of Powdered Pectin. Default decree of forfeiture and destruction. (F. & D. no. 30607. Sample no. 34483-A.)

This case involved a shipment of powdered pectin which contained lead in an amount which might have rendered it injurious to health.

On June 15, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two 100-pound drums of powdered pectin at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about June 13, 1932, by Wallerstein Co., Inc., from New York, N.Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it harmful to health.

On September 18, 1933, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21454. Adulteration of blueberries. U. S. v. 11 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30938. Sample no. 47080-A.)

This case involved an interstate shipment of blueberries which were found to contain maggots.

On August 8, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 crates of blueberries at Boston, Mass., consigned August 7, 1933, alleging that the article had been shipped in interstate commerce by Charles Helin, from Warren, Maine, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 18, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21455. Misbranding and alleged adulteration of butter. U. S. v. 20 Cartons and 14 Cartons of Butter. Decree of condemnation. Product released under bond. (F. & D. nos. 30983, 30984. Sample nos. 29713-A, 29717-A.)

These cases involved shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On July 29 and August 3, 1933, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 34 cartons of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about July 25 and July 28, 1933, by the Mountain States Creamery Co., from Salt Lake City, Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Swift's Premium Quality Brookfield Butter * * * Distributed by Swift & Co."

It was alleged in the libels that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the article was labeled "Butter", which was false and misleading and deceived and misled the purchaser, since it contained less than 80 percent of milk fat.

On August 11, 1933, the Mountain States Creamery Co., having appeared as claimant for the property and having admitted the allegations of the libels, judgments were entered, ordering that the product be released to the claimant upon payment of costs and the execution of good and sufficient bonds, conditioned that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21456. Adulteration of blueberries. U. S. v. 24½ Crates and 15 Crates of Blueberries. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30862, 30865. Sample nos. 57392, 57394-A.)

These cases involved interstate shipments of blueberries which were found to be infested with maggots.

On August 7, 1933, the United States attorney for the Western District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 39½ crates of blueberries at Buffalo, N.Y., alleging that the article had been shipped in interstate commerce on or about August 3 and August 4, 1933, by the Jeddo Supply Co., from Jeddo, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On September 20, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21457. Adulteration of crab meat. U. S. v. 7 Barrels, et al., of Crab Meat. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30663, 30664, 30715. Sample nos. 37778-A, 37779-A, 26640-A.)

These cases involved interstate shipments of crab meat which was found to contain filth.

On June 22 and July 10, 1933, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, libels praying seizure and condemnation of 8 barrels and one hundred and ninety-nine 1-pound cans of crab meat at Washington, D.C., alleging that the article had been shipped in interstate commerce on or about June 21, and July 8, 1933, by Hill & Lloyd, from Rock Point, Md., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On October 18, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21458. Adulteration of crab meat. U. S. v. 1 Barrel and 1 Barrel of Crab Meat. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30766, 30892. Sample nos. 26670-A, 37926-A.)

These cases involved interstate shipments of crab meat which was found to contain filth.

On July 22 and August 10, 1933, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, libels praying seizure and condemnation of two barrels containing one hundred and seventy-five 1-pound cans of crab meat at Washington, D.C., alleging that the article had been shipped in interstate commerce on or about July 19 and August 7, 1933, by P. K. Hunt & Sons, from Hampton, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On October 18 and October 20, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21459. Adulteration of crab meat. U. S. v. Two Hundred and Fifty-six 1-Pound Cans, et al., of Crab Meat. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30852, 30940, 31076. Sample nos. 48476-7-8-A, 55351-2-3-A, 55443-A.)

These cases involved interstate shipments of crab meat which was found to contain filth.

On July 13, August 3, and August 18, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 434 1-pound cans of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 11, August 1, and August 16, 1933, by Alex. Haddaway, from Claiborne, Md., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted of a filthy animal substance.

On August 5, August 24, and September 13, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21460. Adulteration of crab meat. U. S. v. One Hundred and Twenty-two 1-Pound Cans, et al., of Crab Meat. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30920, 30922, 30939. Sample nos. 50070-A, 50114-A, 50125-A.)

These cases involved interstate shipments of crab meat which was found to contain filth.

On July 27, July 28, and August 3, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 181 cans of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce between July 25 and August 1, 1933, by J. M. Clayton Co., from Cambridge, Md., and that it was adulterated in violation of the Food and Drugs Act.

The libels charged that the article was adulterated in that it consisted of a filthy animal substance.

On August 24, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21461. Adulteration of butter. U. S. v. 102 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30975. Sample no. 39824-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On August 12, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 102 tubs of butter at Boston, Mass., consigned August 1, 1933, alleging that the article had been shipped in interstate commerce, by the Milbank Creamery Co., from Ortonville, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On August 18, 1933, the Pipestone Produce Co., Somerville, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it be reworked under the supervision of this Department, so that it contain at least 80 percent of butterfat.

M. L. WILSON, *Acting Secretary of Agriculture.*

21462. Adulteration and misbranding of fruit sirups. U. S. v. 114 Bottles of Raspberry Sirup, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30898. Sample nos. 41693-A to 41698-A, incl.)

This case involved products represented to be pure fruit sirups, which were found to consist of mixtures of sugar, water, fruit juice, and undeclared added acid. The declaration of the quantity of the contents was not properly made, since it was not made in terms of liquid measure.

On August 14, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 114 bottles of raspberry sirup, 66 bottles of cherry sirup, 18 bottles of strawberry sirup, 18 bottles of loganberry sirup, 90 bottles of fruit punch sirup, and 66 bottles of grape sirup at St. Louis, Mo., alleging that the articles had been shipped in interstate commerce, on or about June 12, 1933, by the Orchard Products Co., from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The articles were labeled, "16 Oz. Net Weight."

It was alleged in the libels that the articles were adulterated in that mixtures of sugar, water, fruit juice and undeclared added acid had been substituted for pure fruit sirups; and in that the articles were mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements on the labels, "Pure Fruit Punch Syrup, a delicious blend of Fruits, Fruit Juices and Rock

Candy Syrup", "Pure Raspberry [or 'Cherry', 'Strawberry', 'Loganberry', or 'Grape' Syrup made from the Juice of Fresh Raspberries or 'Cherries', 'Strawberries', 'Loganberries', or 'Grapes'] and rock candy syrup", were false and misleading. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles, and for the further reason that they were in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was not expressed in terms of liquid measure.

On September 20, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21463. Adulteration of canned tomatoes. U. S. v. 990 Cases, et al., of Canned Tomatoes. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30748, 30750. Sample nos. 39744-A, 39745-A, 43304-A.)

These cases involved shipments of canned tomatoes which were found to contain insect larvae.

On July 19, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 990 cases of canned tomatoes at Yonkers, N.Y. On July 20, 1933, the United States attorney for the District of Massachusetts filed a libel against 431 cases of canned tomatoes at Salem, Mass. It was alleged in the libels that the article had been shipped in interstate commerce, in part on or about March 13, 1933, and in part on or about March 22, 1933, by the Seaside Canning Co., from Salisbury, Md., into the States of New York and Massachusetts, respectively, and that it was adulterated in violation of the Food and Drugs Act. The greater portion of the article was labeled in part: (Can) "Turkey Red Brand Tomatoes * * * Packed by Seaside Canning Co., Ocean City, Md." Seventy-two cases were labeled in part: (Can) "Tryem Brand Tomatoes * * * Packed for Cressey Dockham Co., Inc., Salem, Mass."

The libels charged that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance, or of a filthy, decomposed, or putrid vegetable substance.

On September 21 and September 27, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21464. Adulteration of butter. U. S. v. 314 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31070. Sample no. 40312-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On or about August 17, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 314 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 29, 1933, by Eureka Creamery Co., from Eureka, S. Dak., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On September 19, 1933, Gallagher Bros., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21465. Adulteration and misbranding of imitation lemon. U. S. v. 360 Bottles of Imitation Lemon. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30824. Sample no. 41941-A.)

This case involved a shipment of imitation lemon which was artificially colored and which was so deficient in the flavoring substances normal to such product as to be almost worthless as a flavoring agent. The statement of the quantity of the contents borne on the label was not made in terms of liquid measure.

On August 5, 1933, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 360 bottles of imitation lemon at Pocatello, Idaho, alleging that the article had been shipped in interstate commerce on or about May 27, 1933, by the John H. Evans Co., from Salt Lake City, Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Duchess Imitation Lemon."

It was alleged in the libel that the article was adulterated in that an artificially colored water containing much less than the normal amount of flavor had been substituted for imitation lemon. Adulteration was alleged for the further reason that the article had been mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement on the bottle label, "Imitation Lemon", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not expressed in terms of liquid measure.

On September 6, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21466. Misbranding of vinegar. U. S. v. 36 Cases of Vinegar. Default decree of condemnation and forfeiture. Product delivered to charitable institutions. (F. & D. no. 30685. Sample nos. 35999-A, 42061-A.)

This case involved a shipment of bottled vinegar. Sample bottles taken from the shipment were found to contain less than 1 pint, the declared volume.

On July 3, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 cases of vinegar at Pueblo, Colo., consigned by the Speas Manufacturing Co., alleging that the article had been shipped in interstate commerce on or about March 21, 1933, from Yakima, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Solitaire Pure Apple Cider Vinegar. Contents 1 Pint."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 1 Pint", was false and misleading and deceived and misled the purchaser, and for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On September 28, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to charitable institutions.

M. L. WILSON, *Acting Secretary of Agriculture.*

21467. Misbranding of butter. U. S. v. 329 Cases of Butter. Decree of condemnation. Product released under bond. (F. & D. no. 30722. Sample nos. 16823-A, 33672-A, 33674-A, 33675-A.)

This case involved a shipment of butter. Sample cartons taken from the lot were found to contain less than 1 pound, the labeled weight. The article was also falsely labeled as to the name of the manufacturer.

On or about July 5, 1933, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 329 cases of

butter at New Orleans, La., alleging that the article had been shipped in interstate commerce, in various lots, on or about May 26, June 16, June 24, and June 29, 1933, by the Macon Creamery Co., from Macon, Miss., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Wrapper) "1 Lb. Net Weight Jasmine Pasteurized Roll Butter Morning Glory Creameries, Inc. * * * Houston, Texas."

It was alleged in the libel that the article was misbranded in that the statements, "One Pound Net Weight" and "Morning Glory Creameries, Inc.", were false and misleading, since the packages contained less than 1 pound, and the Morning Glory Creameries were not the manufacturers of the butter. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement on the package was not correct.

On September 7, 1933, the Macon Creamery Co., Macon, Miss., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned that it be repacked and relabeled so that it comply with the law.

M. L. WILSON, *Acting Secretary of Agriculture.*

21468. Adulteration and misbranding of soybean oil meal. U. S. v. 135 Bags of Soybean Oil Meal. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30686. Sample no. 24102-A.)

This case involved a shipment of soybean meal which was found to contain added cottonseed meal. The sacks taken from the shipment and weighed were found to contain less than the declared weight, 100 pounds.

On July 1, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 135 bags of soybean oil meal at Mexico, Mo., alleging that the article had been shipped in interstate commerce, in part on or about April 15, 1933, and in part on or about April 25, 1933, by the Wm. Pollock Mill & Elevator Co., from Centerville, Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "One hundred Lbs. net weight Standard Soy Bean Mills Soy Bean Oil Meal Centerville Iowa."

It was alleged in the libel that the article was adulterated in that cottonseed meal had been substituted in part for the article.

Misbranding was alleged for the reason that the statements on the label, "100 lbs net * * * Soy Bean Meal", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On September 14, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21469. Adulteration and misbranding of coffee. U. S. v. 5 Drums and 5 Drums of Coffee. Default decree of condemnation and destruction. (F. & D. no. 30739. Sample nos. 39863-A, 39864-A.)

This case involved a product represented to be coffee which was found to consist of coffee and rye or other cereal.

On July 19, 1933, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five 27½-pound and five 55-pound drums of alleged coffee at Lumberton, N.C., alleging that the article had been shipped in interstate commerce on or about June 20, 1933, by the Florence Coffee Co., from Florence, S.C., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Lid of drum) "Pee Dee"; (tag) "Florence Coffee Co. Florence, S.C."

It was alleged in the label that the article was adulterated in that a mixture of coffee and rye or other cereal had been substituted for coffee.

Misbranding was alleged for the reason that the article was sold under the distinctive name of another article, coffee.

On September 18, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21470. Misbranding of cottonseed screenings. U. S. v. The Greenville Cotton Oil Co. Plea of guilty. Fine, \$100. (F. & D. no. 30152. Sample no. 19804-A.)

Samples of cottonseed screenings taken from the shipment on which this case was based were found to contain less than 43 percent of protein, the amount declared on the label.

On June 2, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Greenville Cotton Oil Co., a corporation, Greenville, Tex., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 19, 1932, from the State of Texas into the State of Kansas, of a quantity of cottonseed screenings which were misbranded. The article was labeled in part: (Tag) "Guaranteed Analysis Protein, not less than 43% * * * Choctaw Sales Company * * * Kansas City, Missouri."

It was alleged in the information that the article was misbranded in that the statement, "Guaranteed Analysis Protein, not less than 43%", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein, namely, not more than 37.5 percent of protein.

On September 25, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

21471. Adulteration of butter. U. S. v. 23 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31071. Sample no. 40318-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On or about August 12, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on August 1, 1933, by Litchfield Produce Co., from Litchfield, Minn., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On August 22, 1933, S. S. Borden Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21472. Adulteration of butter. U. S. v. 13 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30723. Sample no. 29741-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On June 23, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 cubes of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about June 12, 1933, by T. B. Klock & Co., from Billings, Mont., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as provided by the act of March 4, 1923.

On July 14, 1933, the Farmers' Union Creamery having appeared as claimant through H. L. Klock, agent, and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned that it be reworked, under the supervision of this Department so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

21473. Adulteration of tullibeas. U. S. v. 56 Boxes of Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30907. Sample no. 32147-A.)

This case involved a lot of imported tullibeas which were infested with worms.

On July 28, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 56 boxes of tullibeas at New York, N.Y., alleging that the article had been shipped from Canada into the State of New York, arriving on or about May 24, 1933, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Yell—Product of Canada."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy animal substance, and in that it consisted of portions of animals unfit for food.

On August 17, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21474. Adulteration of crab meat. U. S. v. One Hundred and Forty-two 1-Pound Cans of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30921. Sample no. 50105-A.)

This case involved an interstate shipment of crab meat which was found to contain filth.

On July 26, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one hundred and forty-two 1-pound cans of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 24, 1933, by F. P. Long & Co., from St. Michaels, Md., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted of a filthy animal substance.

On August 24, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21475. Adulteration of tub butter. U. S. v. 9 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30909. Sample no. 40700-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On July 12, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 4, 1933, by W. H. Thiede, from Richland Center, Wis., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On July 19, 1933, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of

costs and the execution of a bond in the sum of \$500, conditioned in part that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21476. Adulteration of crab meat. U. S. v. 3 Barrels and 3 Barrels of Crab Meat. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30914, 30915. Sample nos. 43417-A, 43420-A.)

These cases involved interstate shipments of crab meat which was found to be filthy, examination showing that it contained fecal *B. coli*.

On July 22 and July 24, 1933, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of six barrels of crab meat in tins at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about July 18 and July 19, 1933, by George A. Christy, from Crisfield, Md., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On August 12, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21477. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30841. Sample no. 43401-A.)

This case involved an interstate shipment of crab meat which was found to be filthy, examination showing that it contained fecal *B. coli*.

On July 18, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat in tins at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about July 12, 1933, by White & Nelson, from Hoopersville, Md., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On August 12, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21478. Adulteration of crab meat. U. S. v. Two Hundred and Forty-seven 1-Pound Cans of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30941. Sample no. 55355-A.)

This case involved an interstate shipment of crab meat which was found to contain filth.

On August 3, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two hundred and forty-seven 1-pound cans of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 1, 1933, by C. A. Loockerman, from Crisfield, Md., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted of a filthy animal substance.

On August 24, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21479. Adulteration and misbranding of butter. U. S. v. 47 Cases of Butter. Decree of condemnation. Product released under bond. (F. & D. no. 30724. Sample no. 33673-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress. The article was also short weight and was falsely labeled as to the name of the manufacturer.

On or about July 5, 1933, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in

the district court a libel praying seizure and condemnation of 47 cases of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about May 10, May 14, and May 15, 1933, by the Hattiesburg Creamery & Produce Co., from Hattiesburg, Miss., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Wrapper) "Extra Fancy Morning Glory Creamery Butter Morning Glory Creameries, Inc. One Pound Net Weight."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the statements on the label, "Butter", "One Pound Net Weight", and "Morning Glory Creameries Inc.", were false and misleading, since the article contained less than 80 percent of milk fat, the packages contained less than 1 pound, and the Morning Glory Creameries were not the manufacturers of the product. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was not correct.

On September 18, 1933, the Hattiesburg Creamery & Produce Co. having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned that it be brought into conformity with the law under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21480. Adulteration of canned reindeer meat. U. S. v. 1,195 Cases of Canned Reindeer Meat. Default decree of condemnation and destruction. (F. & D. no. 28639. Sample no. 13666-A.)

This case involved a shipment of canned reindeer meat which was found to be in part unsterile and decomposed.

On August 10, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,195 cases of canned reindeer meat at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about June 27, 1932, by the Lomen Reindeer Corporation, from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Lomen Alaskan Reindeer Arctic Brand Picnic Loaf * * * Packed by Lomen Reindeer Corp'n. Nome, Alaska, Seattle, Washington, New York, N. Y."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance.

On August 12, 1933, the claim and answer of the Lomen Reindeer Corporation having been withdrawn, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21481. Adulteration of tomato trimmings. U. S. v. 1,238 5-Gallon Cans of Tomato Trimmings. Default decree of condemnation and destruction. (F. & D. no. 28359. Sample no. 7122-A.)

This case involved a shipment of canned tomato trimmings which were found to contain worms and mold, and evidences of decomposition.

On May 26, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one thousand two hundred and thirty-eight 5-gallon cans of tomato trimmings at New Orleans, La., alleging that the article had been shipped in interstate commerce, on or about May 16, 1932, by the Florida Canning Co., from Miami, Fla., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On August 4, 1933, a default was noted for failure of the parties in interest to show cause why decree should not be entered, and the court ordered the product condemned and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21482. Adulteration of canned pumpkin. U. S. v. 30 Cases of Canned Pumpkin. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 26416. I.S. no. 29787. S. no. 4742.)

This case involved a shipment of canned pumpkin which was found to be in part decomposed.

On May 27, 1931, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cases of canned pumpkin at Dover, Del., alleging that the article had been shipped in interstate commerce, on or about January 16 and February 11, 1931, by Wm. Laning & Son Co., from Bridgeton, N.J., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Silver Lake Brand Fancy Pumpkin * * * Packed by Wm. Laning & Son Co., Bridgeton, Cumberland Co., N.J."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On August 5, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21483. Adulteration and misbranding of butter. U. S. v. 15 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30910. Sample no. 40749-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On July 25, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 boxes of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 18, 1933, by Armour Creamery, from Des Moines, Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Wrapper) "Armour's Cloverbloom Full Cream Butter * * * Distributed by Armour Creameries."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article. Adulteration was alleged for the further reason that the article contained less than 80 percent of butterfat.

Misbranding of the article was alleged for the reason that it had been sold, shipped, and labeled as "butter", which was false and misleading in that said article contained less than 80 percent of milk fat.

On August 15, 1933, Armour & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21484. Misbranding of butter. U. S. v. Western Meat Co. Plea of guilty. Fine, \$200. (F. & D. no. 29517. Sample no. 195-A.)

Sample cartons of butter taken from the shipment on which this case was based were found to contain less than the declared weight, 1 pound.

On August 5, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Western Meat Co., a corporation, South San Francisco, Calif., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about July 6, 1932, from the State of California to Honolulu, Hawaii, of a quantity of butter which was misbranded. The article was labeled in part: "Monarch Brand Creamery Butter Pasteurized 1 Pound Net Weight, Distributed by Western Meat Company."

It was alleged in the information that the article was misbranded in that the statement "1 Pound Net Weight", borne on the package containing the article, was false and misleading, and for the further reason that the article

was labeled so as to deceive and mislead the purchaser, since the packages did not contain 1 pound net weight of butter, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 5, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

M. L. WILSON, *Acting Secretary of Agriculture.*

21485. Adulteration of blueberries. U. S. v. 64 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31158. Sample no. 43567-A.)

This case involved an interstate shipment of blueberries which were found to contain maggots.

On September 8, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 64 crates of blueberries at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about September 6, 1933, by W. E. Bailey, from Columbia Falls, Maine, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On October 4, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21486. Adulteration of blueberries. U. S. v. 24 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31078. Sample no. 57397-A.)

This case involved an interstate shipment of blueberries which were found to contain maggots.

On August 25, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 crates of blueberries at Rochester, N.Y., alleging that the article had been shipped in interstate commerce on or about August 23, 1933, by Andro Evancho, from Audenried, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On September 20, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21487. Adulteration of blueberries. U. S. v. 15 Crates and 9 Crates of Blueberries. Default decrees of condemnation, forfeiture, and destruction. (F. & D. no. 30860. Sample nos. 57389-A, 57391-A.)

These cases involved interstate shipments of blueberries which were found to be infested with maggots.

On August 7, 1933, the United States attorney for the Western District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 24 crates of blueberries at Buffalo, N.Y., consigned by Daniel Zager, alleging that the article had been shipped in interstate commerce on or about July 29 and August 1, 1933, from Hazleton, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 20, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21488. Adulteration of blueberries. U. S. v. 3 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30861. Sample no. 57390-A.)

This case involved an interstate shipment of blueberries which were found to be infested with maggots.

On August 7, 1933, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three crates of blueberries at Buffalo, N.Y., alleging that the article had been shipped in interstate commerce on or about August 1, 1933, by Harry Brenner, from Hazleton, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 20, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21489. Adulteration of blueberries. U. S. v. 7 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30969. Sample no. 47074-A.)

This case involved an interstate shipment of blueberries which were found to contain maggots.

On August 3, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven crates of blueberries at Boston, Mass., consigned August 3, 1933, alleging that the article had been shipped in interstate commerce by P. E. Joslin, from South Lyndeboro, N.H., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 8, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21490. Adulteration of blueberries. U. S. v. 14 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31112. Sample no. 58334-A.)

This case involved an interstate shipment of blueberries which were found to contain maggots.

On September 5, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 crates of blueberries at Boston, Mass., consigned September 2, 1933, alleging that the article had been shipped in interstate commerce by E. L. Torrey, from North Sedgwick, Maine, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 23, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21491. Adulteration and misbranding of butter. U. S. v. 10 Boxes of Butter. Decree of condemnation. Product released under bond. (F. & D. no. 31067. Sample nos. 38418-A, 34821-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress. The packages failed to bear a statement of the quantity of the contents.

On August 11, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 boxes of butter at Riverside, Calif., alleging that the article had been shipped in interstate commerce, on or about August 8, 1933, by the Delta Valley Creamery Co., from

Delta, Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was wrapped in unlabeled parchment wrappers. The cases were labeled in part: "Butter Keep Cool 1/4 # Wrap Whitehead."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the article was labeled "Butter", which was false and misleading and deceived and misled the purchaser, since it contained less than 80 percent of milk fat, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 26, 1933, Whitehead Bros., Riverside, Calif., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the claimant under bond to be relabeled, under the supervision of this Department. It was further ordered that the product should not be disposed of in violation of the Federal Food and Drugs Act and all other laws, that bond be fixed in the sum of \$100, and that claimant pay costs of the proceedings.

M. L. WILSON, *Acting Secretary of Agriculture.*

21492. Adulteration of huckleberries. U. S. v. 20 Baskets of Huckleberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31157. Sample no. 42668-A.)

On September 11, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 baskets of huckleberries at Cincinnati, Ohio, consigned by C. B. & S. D. Mangus, Vesuvius, Va., on or about August 21, 1933, alleging that the article had been shipped in interstate commerce from Vesuvius, Va., into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "C. B. and S. D. Mangus, Vesuvius, Va."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On October 17, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21493. Adulteration of crab meat. U. S. v. 296 Pounds of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30831. Sample no. 37596-A.)

This case involved an interstate shipment of crab meat which was found to contain filth, and which was also in part decomposed.

On July 20, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 296 pounds of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 17, 1933, by Ballard Bros. Fish Co., from Willis Wharf, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On September 27, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21494. Adulteration of blueberries. U. S. v. 5 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31139. Sample no. 42516-A.)

This case involved an interstate shipment of blueberries which were found to be decomposed.

On September 1, 1933, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of five crates, each containing thirty-two 1-quart boxes of blueberries at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about August 30, 1933, by Mike McGurl from Jessup, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted of a filthy, decomposed, and putrid vegetable substance.

On October 13, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21495. Adulteration of crab meat. U. S. v. 2 Barrels, et al., of Crab Meat. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30733, 30980, 31082. Sample nos. 26644-A, 37949-A, 44133-A.)

These cases involved interstate shipments of crab meat which was found to contain filth.

On July 13, August 19, and September 9, 1933, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, libels praying seizure and condemnation of three barrels containing two hundred and seventy-five 1-pound cans and ninety-seven 1-pound cans of crab meat at Washington, D.C., alleging that the article had been shipped in interstate commerce on or about July 10, August 16, and September 6, 1933, by Alex. Haddaway, in part from Claiborne, Md., and in part from McDaniel, Md., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On October 18 and October 20, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21496. Adulteration of crab meat. U. S. v. 2 Barrels and 1 Barrel of Crab Meat. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 30856, 30857. Sample nos. 37919-A, 37922-A.)

These cases involved interstate shipments of crab meat which was found to contain filth.

On August 4, 1933, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, libels praying seizure and condemnation of three barrels containing three hundred and ten 1-pound cans of crab meat at Washington, D.C., alleging that the article had been shipped in interstate commerce on or about August 1, 1933, by Claiborne Packing Co., from Claiborne, Md., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On October 18 and October 20, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21497. Adulteration of crab meat. U. S. v. 6 Barrels of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30734. Sample no. 26643-A.)

This case involved a shipment of crab meat which was found to contain filth.

On July 13, 1933, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of six barrels of crab meat at Washington, D.C., alleging that the article had been shipped in interstate commerce on or about July 10, 1933, by F. P. Long & Co., from St. Michaels, Md., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On October 18, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21498. Adulteration and misbranding of Old English Punch Maker. U. S. v. 14 Cases of Old English Punch Maker. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30609. Sample nos. 37030-A to 37036-A, incl.)

This case involved a product intended for use in preparing various fruit-flavored beverages, which upon examination was found to contain artificial color and acid, with a negligible amount, if any, of fruit present. The statement of the quantity of the contents appearing on the labels was not plain and conspicuous.

On June 14, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 cases of Old English Punch Maker at Salem, Oreg., alleging that the article had been shipped in interstate commerce, on or about May 2, 1933, by the Western Sales, from Seattle, Wash., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was adulterated in that an artificially colored mixture of sugar and acid containing a negligible amount, if any, of fruit flavor had been substituted for a beverage base containing fruit flavor. Adulteration was alleged for the further reason that the article had been mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements on the carton and circular, "Punch Maker Strawberry [or "Loganberry", "Cherry", "Raspberry", "Orange", "Lemon", or "Lime"] Flavor", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, and in that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not easily legible.

On October 4, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21499. Adulteration of mayonnaise. U. S. v. 49 Cases and 49 Cases of Mayonnaise. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30364. Sample nos. 36251-A, 36252-A.)

This case involved an interstate shipment of mayonnaise which was found to contain added water.

On April 27, 1933, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 cases each containing 1 dozen pint jars, and 49 cases each containing 1 dozen half-pint jars of mayonnaise at Milwaukee, Wis. On August 24, 1933, an amended libel was filed. It was alleged in the libel as amended that the article had been shipped in interstate commerce, on or about April 11, 1933, by the Blue Seal Food Products, Inc., from Chicago, Ill., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Hazel Brand Mayonnaise * * * Geo. Rasmussen Co. Chicago."

Adulteration of the article was alleged in the amended libel in that water had been mixed and packed with the article so as to reduce, lower, or injuriously affect its quality and strength; in that water had been substituted for mayonnaise; and in that the article had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement, "Mayonnaise", on the label, was false and misleading and deceived and misled the purchaser, when applied to an article containing added water.

On October 20, 1933, the Blue Seal Products, Inc., the sole intervener in the case, having withdrawn its answer, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21500. Adulteration of currants. U. S. v. 4 Cases of Currants. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31091. Sample no. 45747-A.)

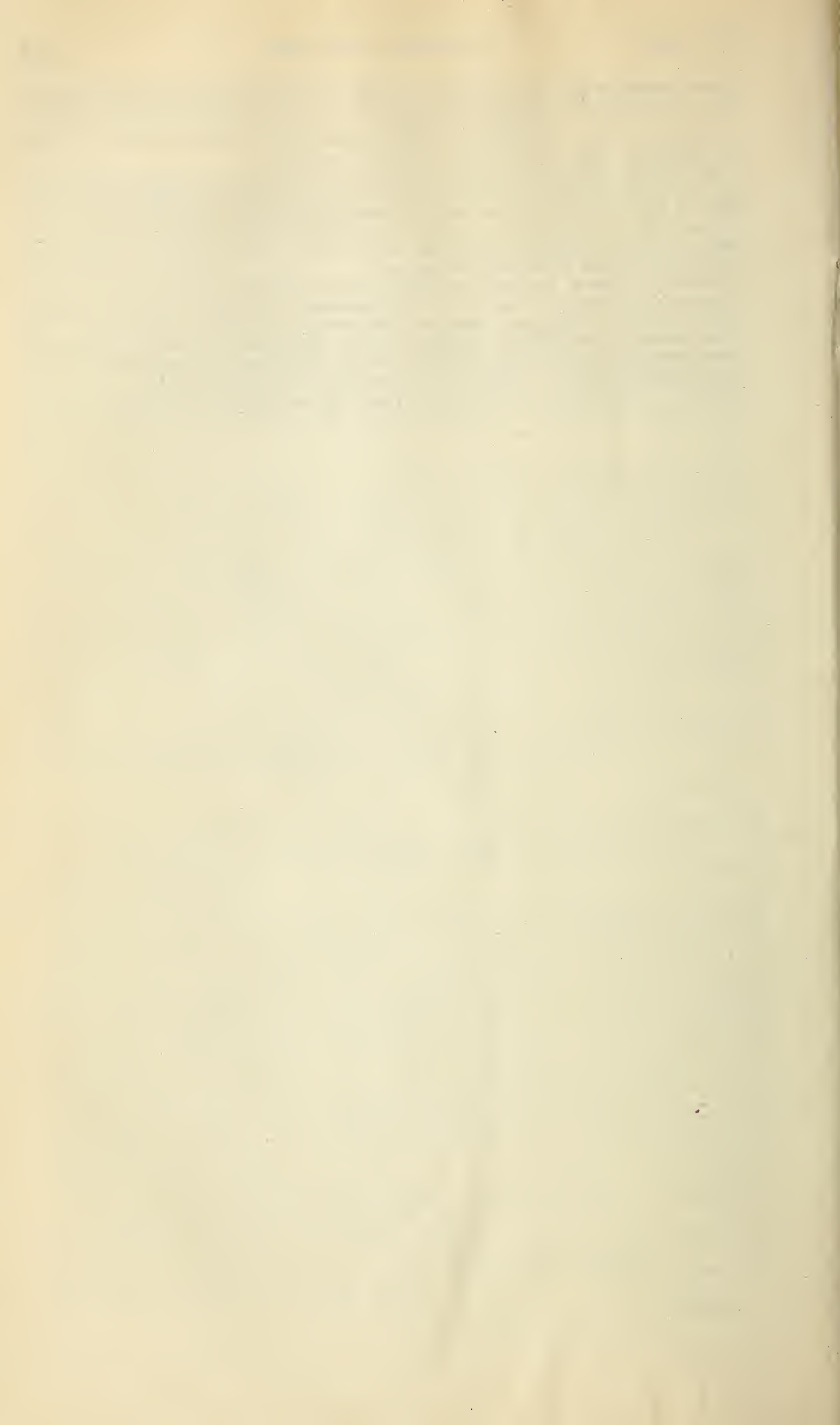
This case involved a shipment of currants bearing arsenic and lead in amounts which might have rendered them injurious to health.

On July 6, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four cases of currants at Chicago, Ill., alleging that the article had been shipped on or about June 29, 1933, by Conrad Haditz, from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, to wit, arsenic and lead, in amounts which might have rendered it injurious to health.

On September 27, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*



INDEX TO NOTICES OF JUDGMENT 21251-21500

	N.J. No.		N.J. No.
Alimentary pastes:		Beverages and beverage bases—Con.	
macaroni:		loganberry sirup:	
Gragnano Products, Inc.-----	21341	Allied Fruit & Extract Co.-----	21418
Ronzoni Macaroni Co., Inc.-----	21335	Old English Punch Maker:	
U.S. Macaroni Co.-----	21311	Western Sales-----	21498
sea shells:		orange juice:	
Gragnano Products, Inc.-----	21341	Tropical Juice Corporation-----	21251
spaghetti:		Phrosto Fruit Punch:	
Gragnano Products, Inc.-----	21341	Clayton, S. C.-----	21321
Apple butter:		Clayton, S. C., Co.-----	21321
Cumberland Valley Fruit Prod-		lemon and lime sirup:	
ucts Co.-----	21268	Clayton, S. C.-----	21321
Lutz & Schramm Co.-----	21324	Clayton, S. C., Co.-----	21321
Musselman, C. H., & Co.-----	21299	Orange-All:	
National Fruit Product Co.-----	21268	Clayton, S. C.-----	21321
chops:		Clayton, S. C., Co.-----	21321
Battletown Fruit Co.-----	21289	raspberry sirup:	
Leroy Cold Storage and Prod-		Allied Fruit & Extract Co.-----	21418
uce Co.-----	21285	strawberries, crushed:	
Ross Packing Co.-----	21330	Allied Fruit & Extract Co.-----	21418
pectin:		strawberry sirup:	
Mutual Citrus Products Co.,		Orchard Products Co.-----	21353
Inc.-----	21447	Blueberries:	
pomace:		Allen, E. M.-----	21377
Deyo, S. R. Co.-----	21426	Bailey, W. E.-----	21485
Finger Lakes Cider & Vinegar		Brenner, Harry-----	21488
Co.-----	21331	Bridges, F. H.-----	21377
Gilbert Apple Products Co.-----	21379	Child, Chas.-----	21377
Gregg, H. R.-----	21312	Clapp, E. P.-----	21377
Musselman, C. H.-----	21277	Crabtree, A. W.-----	21377
Musselman, C. H., Co.-----	21277	Crabtree, R. E.-----	21377
National Fruit Product Co.-----	21297	Cunningham, A. L.-----	21377
Olympia Canning Co.-----	21395	Delta Valley Creamery Co.-----	21491
Repp Orchard Products Co.	21310	Druilan, Chas.-----	21432
Steffen, M., & Co.-----	21329	Duplisea, Arthur-----	21358
Watson Industries, Inc.-----	21431	Elms, H. A.-----	21377
pulp:		Evancho, Andro-----	21486
Morgan, John C., Co.-----	21364	Fudovich, P. M.-----	21411
Apples:		Gold Seal Creamery-----	21372
Pacific Fruit & Produce Co.-----	21387	Gomes, C.-----	21416
Tyrrell Brown Co.-----	21256	Gray, Almond-----	21377
Apricots, canned:		Griggs-Turner Co.-----	21422
Perry Canning Co.-----	21444	Helin, Chas.-----	21454
Western States Grocery Co.-----	21444	Hendrickson, J. A.-----	21377
Beans, canned:		Higgins, Geo.-----	21377
Smith Canning Co.-----	21305	Hopkins, L.-----	21377
Beer. See Beverages and beverage		Jaakkola, A.-----	21419
bases.		Jeddo Supply Co.-----	21456
Beverages and beverage bases:		Joslin, P. E.-----	21489
beer:		Karlson, Alfred-----	21362
Brooklyn Bottling & Distribut-		Kostick Bros.-----	21410
ing Co.-----	21434	Lofman, Mikko-----	21380
Interbror Beverage Corpora-		McGurl, Mike-----	21494
tion.-----	21434	Masley, Daniel-----	21374
cherry sirup:		Matthews, E. J.-----	21373
Allied Fruit & Extract Co.,		Merrifield, W. G.-----	21377
Inc.-----	21418	Merrill, L. A.-----	21377
Flavor-Rite Cho-Co-Malt:		Merrill, O. N.-----	21429
Flavor-Rite Cho-Co-Malt Co.-----	21308	Mosley, Daniel-----	21374
fountain sirups:		Pendleton, H.-----	21377
Allied Fruit & Extract Co.,		Priest, T. G.-----	21377
Inc.-----	21418	Richardson, F. P.-----	21359
fruit punch sirup:		Robinson, W. C.-----	21406
Orchard Products Co.-----	21353	Salminen, K.-----	21376
fruit sirups:		Sargent, P. G.-----	21377
Orchard Products Co.-----	21462	Shupack, J.-----	21378
grape juice:		Spring Mountain Blueberry	
Rice, J. E.-----	21439	Assoc.-----	21410
Rice, John E., Orchards-----	21439	Starr, Elmer, Sr.-----	21357
grapefruit juice:		Tasker, A. E.-----	21354
Scoville Canning Co. Inc.-----	21334	Torrey, E. L.-----	21490
		Upham, L. H.-----	21377
		Varney, A. P.-----	21428

Blueberries—Continued.		N.J. No.	Dairy products—Continued.		N.J. No.
Whitney, F. L.-----		21405	butter—continued.		
Wright, Lewis-----		21420	Farm Mutual Creamery Association-----		21450
Zager, Daniel-----		21487	Farmers Cooperative Creamery Co-----		21284
<i>See also</i> Huckleberries.			Farmers Mutual Creamery Co-----		21270, 21403
Brano Flakes:			Frye & Co-----		21319
Kellogg, W. K., Co-----		21262	Genoa Cooperative Creamery Co-----		21437
Butter. <i>See</i> Dairy products.			Gold Seal Creamery-----		21372
Cabbage:			Gowrie Cooperative Creamery Assoc-----		21291
Sugar Land Industries-----		21283	Grossman, A-----		21304
Cauliflower:			Harding Cream Co-----		21304
Western Vegetable Distributors-----		21397	Hattiesburg Creamery & Produce Co-----		21479
Celery:			Harrow-Taylor Co-----		21288
Hartner, Elmer-----		21326	Herman Co-----		21300
Hartner Produce Co-----		21326	Hernig, Peter, Sons-----		21363
Cherries; canned:			Hill County Creamery Co-----		21290
California Packing Corporation-----		21276	Klock, T. B., & Co-----		21345, 21472
Olympia Canning Co-----		21259	Lexington Ice & Creamery Co-----		21296
Pacific Northwest Canning Co-----		21307	Liberty Dairy Products, Inc-----		21448
Cherry sirup. <i>See</i> Beverages and beverage bases.			Linn County Farmers Mutual Creamery Assoc-----		21403
Chewing gum:			Litchfield Produce Co-----		21471
Fruit chews:			McAllister Bros-----		21391
Epstein, S. S.-----		21445	Macon Creamery Co-----		21467
Silvershein, Philip-----		21445	Mandan Creamery & Produce Co-----		21272
Fruit-Chews:			Mandan Creamery Co-----		21272
Epstein, S. S.-----		21445	Meistrich & Goldenberg, Inc-----		21448
Silvershein, Philip-----		21445	Milbank Creamery Co-----		21461
Silvershein, Philip, Inc-----		21445	Morning Glory Creameries, Inc-----		21467, 21479
Chocco-Yeast:			Mountain States Creamery Co-----		21455
Chocco Yeast, Inc-----		21282	Nottleman, Peter-----		21254
Coffee:			Oxford Cooperative Creamery Co-----		21384
Florence Coffee Co-----		21469	Pend d'Oreille Co-----		21423
Confecto-Jel:			Plains Cooperative, Inc-----		21352
Speas Manufacturing Co-----		21273	Producers Dairy Co-----		21316
Corn, canned:			Ravenwood Cooperative Creamery Co-----		21413
Bricelyn Canning Co-----		21369	Reno Creamery Co-----		21381
Lawrence Wholesale Co-----		21369	Riceville Creamery-----		21303
meal:			R-K Creamery-----		21441
Josey-Miller Co-----		21269	Rolfé Creamery Co-----		21333
Shreveport Grain & Elevator Co-----		21361	Schultz, A. F., Creamery Co-----		21336
Cottonseed screenings. <i>See</i> Feed.			Sioux Valley Cooperative Creamery-----		21393
Crab meat. <i>See</i> Shellfish.			Sugar Creek Creamery Co-----		21327
Currants:			Swift & Co-----		21296, 21344, 21455
Armstrong, Mrs. Noel-----		21275	Tell, Oscar-----		21304
Caroline, A-----		21280	Thiede, W. H-----		21475
Colletto, Frank-----		21275	Tri County Creamery-----		21292
Fowler, W. R., & Son-----		21275	Union City Dairy Co-----		21264
Haditz, Conrad-----		21500	West Coast Produce Co-----		21401
Hudson River Fruit Exchange, Inc-----		21275	Western Meat Co-----		21484
Mertes, Nicholas-----		21275	White Lily Creamery-----		21313
Morrow, F. G., & Son-----		21275	Egg yolk, dried:		
Twomey, Neil-----		21275	Bashaw-Arey Co-----		21342
Young, Chas-----		21275	Bashaw, C. O-----		21342
Dairy products:			Eggs:		
butter:			Spencer Produce Co-----		21294
Alliance Creamery Co-----		21430	frozen:		
Armour & Co-----		21347, 21396, 21404	Kraft-Phenix Cheese Corporation-----		21452
Armour Creameries-----		21396, 21404, 21483	Feed:		
Armour Creamery-----		21347, 21483	cottonseed screenings:		
Ashley Creamery Co-----		21389	Boswell, S. C-----		21314
Berger, John H., & Co-----		21300	Cherokee Cotton Oil Co-----		21314
Brenner, R-----		21448	Choctaw Cotton Oil Co-----		21314
Brooklawn Creamery Co-----		21252	Choctaw Sales Co-----		21470
Bulgrin, C. A-----		21390	Greenville Cotton Oil Co-----		21470
Calder Bros-----		21421	soy bean oil meal:		
Calder Bros. Creamery Co-----		21421	Pollock, Wm., Mill & Elevator Co-----		21468
Calhoun County Cooperative Creamery-----		21323	Figs, dried:		
Carbon County Creamery Co-----		21295	Fairview Fruit Packing Co-----		21317
Clinton Creamery-----		21436	Pepall, A. H-----		21347
Conrad Creamery Co-----		21260	Fish:		
Cutler Creamery Co-----		21325	perch:		
Delta Valley Creamery Co-----		21394, 21491	Warroad Fish Co-----		21281
Dunlap Creamery Co-----		21315			
Durant Ice Cream & Creamery Co-----		21392			
Edelstein Dairy Co-----		21302			
Eureka Creamery Co-----		21464			
Exeland Cooperative Creamery Assoc-----		21340			

¹ Contains a decision of the court.

Fish—Continued.	N.J. No.
salmon, canned:	
Farwest Fisheries, Inc.-----	21343
Kelley-Clarke Co.-----	21398
Libby, McNeill & Libby-----	21265,
	21407
North Coast Packing Co.-----	21320
Oceanic Sales Co.-----	21343, 21382
Red Salmon Canning Co.-----	21440
Twin City Wholesale Grocer	
Co.-----	21398
tullibees:-----	21473
Booth Fisheries Co.-----	21386
Moyer, L. W.-----	21309
Warroad Fish Co.-----	21279, 21281
tuna:	
Uddo-Taormina Corporation--	21322
Flavor-Rite Cho-Co-Malt. <i>See</i> Bev-	
erages and beverage bases.	
Flavors:	
lemon, imitation:	
Evans, John H., Co.-----	21465
vanilla:	
Goodier, E. J.-----	21368
Universal Laboratories.-----	21368
Flour:	
Mero Mills-----	21356
Smith, G. B. R., Milling Co.--	21306
Fruit Chews. <i>See</i> Chewing gum.	
Fruiti-Chews. <i>See</i> Chewing gum.	
Fruit sirups. <i>See</i> Beverages and	
beverage bases.	
Grape juice. <i>See</i> Beverages and	
beverage bases.	
Grapefruit juice. <i>See</i> Beverages and	
beverage bases.	
Grapes:	
Olson, M. P.-----	21388
Olson, O. G. Co.-----	21388
dried:	
Lion Packing Co.-----	21349
Hazelnuts. <i>See</i> Nuts.	
Huckleberries:	
Mangus, C. B. and S. D.-----	21492
Roudabush, H. E.-----	21414
<i>See also</i> Blueberries.	
Jams:	
Grocers Specialty Co.-----	21367✓
Jellies:	
Grocers Specialty Co.-----	21367✓
Lemon and lime sirup. <i>See</i> Bever-	
ages and beverage bases.	
Lemon, imitation:	
Evans, John H., Co.-----	21465
Loganberry sirup. <i>See</i> Beverages	
and beverage bases.	
Macaroni. <i>See</i> Alimentary paste.	
Mayonnaise:	
Blue Seal Food Products Inc.--	21499
Rasmussen, Geo., Co.-----	21499
Mustard, salad:	
Mid-West Food Packers, Inc.--	21350
Noodles:	
Loo, James.-----	21427
Majesty Paste Co.-----	21427
Sunn, Joseph.-----	21427
Nutrl-Jel:	
Speas Manufacturing Co.-----	21273
Nuts:	
hazelnuts:	
Dundee Walnut Association--	21371
North Pacific Nut Growers	
Cooperative.-----	21371
pecans:	
Cromartie, H. L.-----	21360
walnuts:	
Dundee Walnut Association--	21371
Groobman, Louis.-----	21255
North Pacific Nut Growers	
Cooperative.-----	21371
Whittier Packing Co.-----	21255, 21417
Oil, olive:	
American Trust Co.-----	21258
International Importing Co.--	21338
Korbro Oil Corporation.-----	21399
Liguria Olive Oil Co.-----	21337
Marcello, M. T.-----	21337
Orazi, I. Nuccio, and Curiazi	
Olive Oil Co.-----	21399

Oil, olive—Continued.	N.J. No.
Oriental Products Co.-----	21257
Ossola Bros., Inc.-----	21366
Riverbank Canning Co.-----	21258, 21424
Russo, A., & Co.-----	21351
Santa Maria Olive Oil Co.-----	21257
Uddo-Taormina Corporation--	21318
salad:	
Ragus Packing Co.-----	21400
Wesson Oil & Snowdrift Co.--	21443
Old English Punch Maker. <i>See</i>	
Beverages and beverage bases.	
Olive oil. <i>See</i> Oil.	
Orange-All. <i>See</i> Beverages and bev-	
erage bases.	
Orange juice. <i>See</i> Beverages and	
beverage bases.	
Oysters. <i>See</i> Shellfish.	
Peaches:	
Hoyle & Helms.-----	21385
canned:	
California Packing Corpora-	
tion.-----	21276
dried:	
Levy, A., and Zentner, J.,	
Co.-----	21271
Pears, canned:	
Ray-Maling.-----	21339
Ray-Maling Co., Inc.-----	21339
Washington Canners Coopera-	
tive.-----	21339, 21383
Pecans. <i>See</i> Nuts.	
Pectin, powdered:	
Speas Manufacturing Co.-----	21273
Wallerstein Co., Inc.-----	21453
Perch. <i>See</i> Fish.	
Phrosto Fruit Punch. <i>See</i> Bever-	
ages and beverage bases.	
lemon and lime sirup. <i>See</i> Bever-	
ages and beverage bases.	
Orange-All. <i>See</i> Beverages and	
beverage bases.	
Potatoes:	
Markman, L.-----	21278
Markman Produce Co.-----	21278
Preserves:	
Edwards, William, Co.-----	21438✓
Pacific Food Products Co.-----	21415
Pumpkin, canned:	
Laning, Wm., & Son Co.-----	21482
Raspberry sirup. <i>See</i> Beverages and	
beverage bases.	
Reindeer meat, canned:	
Lomen Reindeer Corporation--	21480
Rice:	
Rice Growers Association of	
California.-----	21328
Salmon. <i>See</i> Fish.	
Sea Moss Farine:	
Lyon Manufacturing Co.-----	21253
shells. <i>See</i> Alimentary paste.	
Shellfish:	
crab meat:	
Ballard Bros. Fish Co.-----	21493
Bluff Point Co.-----	21355
Christy, G. A.-----	21476
Claiborne Packing Co.-----	21496
Clayton, J. M., Co.-----	21460
Creighton, Riley.-----	21446
Fleming, J. H., & Co.-----	21442
Haddaway, Alex.-----	21459, 21495
Harris, A. B.-----	21425
Hill & Lloyd.-----	21457
Hunt, P. K., & Sons.-----	21458
Lankford, V. S., & Co.-----	21408
Larrimore, W. C.-----	21433
Long, F. P., & Co.-----	21474, 21497
Loockerman, C. A.-----	21478
McMenamin & Co., Inc.-----	21409
New York Consumers Co.-----	21301
Smith, J. T.-----	21375
White & Nelson.-----	21477
oysters, canned:	
Berwick Bay Canneries, Inc.--	21412
shrimp, canned:	
Biloxi Canning & Packing	
Co.-----	21298
Foster, C. B., Packing Co.,	
Inc.-----	21449
Soy bean oil meal. <i>See</i> Feed.	

Spaghetti. <i>See</i> Alimentary paste.	N.J. No.	
Strawberries, crushed:		
Allied Fruit & Extract Co.,		
Inc-----	21418	
Sirup, maple-flavored:		
Staley, A. E., Manufacturing		
Co-----	21266	
Strawberry sirup. <i>See</i> Beverages and beverage bases.		
Tomato catsup:		
Smith Canning Co-----	21435	
paste:		
Marlboro Canning Corpora-		
tion-----	21287	
puree:		
Holley Canning Co-----	21263	
trimmings:		
Florida Canning Co-----	21481	
Tomatoes:		N.J. No.
canned:		
Shoemaker, E. M-----	21293	
Churchland Canning Corpora-		
tion-----	21274	
Cressey Dockham Co., Inc---	21463	
Seaside Canning Co-----	21463	
Southgate Brokerage Co----	21274	
Utah Canning Co-----	21451	
Tullibeas. <i>See</i> Fish.		
Tuna. <i>See</i> Fish.		
Vinegar:		
Jones Bros Co-----	21365	
Mathes, W. E., Vinegar Co--	21348	
Paxton & Gallagher-----	21286	
Speas Manufacturing Co-----	21261,	
	21370, 21402, 21466	
Walnuts. <i>See</i> Nuts.		

¹ Contains instructions to the jury.